

The Discursive Self: Rethinking the Relationship Between Autonomy and Tradition in Shi'i Thought

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Dedicated to the loving memory of Farideh Razavian
1951 – 2006

Abstract

The concept of autonomy underlies many other issues in moral and political philosophy. This dissertation states that contemporary debates within Shi'i thought view autonomy as individualistic, and that this individualism brings it into conflict with tradition. It then argues that autonomy is not equivalent to individualism, and argues for an understanding of autonomy that is socially and historically embedded and discursive. This makes it possible to rethink the relationship between autonomy and tradition. This rethinking is done through a method of reflective equilibrium, where various ideas from various fields are brought into a coherent whole. There are two phases to this rethinking. The first is in clarifying the concept of autonomy and the second is bringing this concept of autonomy and Shi'i tradition into equilibrium.

The dissertation begins by stating that Shi'i thought has already made room for autonomy, but that the concept of autonomy that is dominant is individualistic. An understanding of autonomy as socially and historically embedded is defended. The second phase is to reconcile this embedded notion of autonomy with Shi'i tradition. It is argued that autonomy is important for both the internalisation of tradition and the formation of tradition. Empirical evidence is provided through positive psychology that shows that the most effective means of internalising a belief is through contexts that support autonomy. This understanding of internalisation is brought into equilibrium with the Shi'i concept of forbidding wrong. It is argued that one of the conditions of forbidding wrong is the condition of efficacy. Approaches to forbidding wrong that support autonomy meet this condition, while those that deny autonomy generally do not. Finally, it is argued that autonomy should be considered within the process of *ijtihād* because it has an epistemic gain. Autonomous individuals gain a certain level of expertise through their life experiences that are necessary to be incorporated in the *ijtihād*.

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Introduction

In 1783 a Berlin journal asked, “What is enlightenment?” In response to this question Kant gave his famous reply: “Enlightenment is the human being’s emergence from his self-incurred minority. Minority is inability to make use of one’s own understanding without direction from another.”¹ In short, the Enlightenment had given birth to autonomy; the capacity for one to rationally choose one’s own projects and goals. Autonomy has ever since been a cornerstone for both moral and political philosophy. It has been central to Kant’s moral project as well as Rawls’ theory of justice.

This autonomy has also been viewed as coming into conflict with tradition. On the surface, it would seem that autonomy requires independence while tradition demands obedience. Autonomy is at times expressed in an existentialist manner, where the individual has lost all forms of authority, lives in a world devoid of meaning, and it is only through personal choice that any meaning can be salvaged. This is the understanding of the self that is presented by the Iranian reformist thinker Mohammad Mojtahid Shabestari, whose views we will return to in a later chapter. On the other hand, tradition is thought of as an uncompromising rigid set of rules that all must obey. This is manifest through the concept of *taqlid*, emulation, where the layperson is required to follow the religious expert. Robert Gleave summarizes the problem as such: “The influence of liberal notions of individual will and freedom of thought would seem to run counter to the *ijtihad-taqlid* theory.”²

This dilemma also exists within Shi’i thought itself. There are concepts within the tradition that support both sides. Shi’ism supports many of the attributes essential for autonomy, such as free will, rationality, and good disposition. On the other hand, there are concepts within the tradition that can

¹Immanuel Kant, *Practical Philosophy*, trans. Mary J. Gregor, Kant, Immanuel, 1724-1804. Works. English. 1992 (Cambridge: Cambridge University Press, 1996), 17.

²Robert Gleave, “Conceptions of Authority in Iraqi Shi’ism Baqir Al-Hakim, Ha’iri and Sistani on Ijtihad, Taqlid and Marja’iyya,” *Theory, Culture & Society* 24, no. 2 (March 1, 2007): 66.

be used to deny autonomy such as the commandment to forbid wrong and the notion of *taqlīd*.

However, the key to understanding the relationship between autonomy and tradition is understanding the discursive nature of both autonomy and tradition. To steal a term from the pragmatist philosopher Robert Brandom we are “makers and takers of reasons.”³ The way that we come to understand tradition is the same way we come to understand our own identities, it is through a process of deliberation with others. The key to understanding the discursive nature of our selves, is through understanding how we are socially and historically embedded. I will use these terms interchangeably in this dissertation.

The main argument of this dissertation is that autonomy and tradition fit together when we understand autonomy is necessary for both the internalization and formation of tradition. I first argue that the individualistic understanding of autonomy that dominates reformist thought is not defensible. I argue instead for a socio-historical understanding of autonomy, one that is grounded in the empirical psychological research of Self Determination Theory. It is through this research that I argue that the autonomy supportive contexts are necessary for the internalization of tradition, and that it meets the requirement of efficacy put forward in the concept of *`amr bi al-ma`rūf*. I then argue that autonomy is important for the formation of tradition. The Shi'i *Uṣūlī* conception of truth as an end of inquiry commits Shi'i *uṣūlism* to incorporate the views and opinions of people who are not experts in jurisprudence because it provides an epistemic gain. The inclusion of non-experts helps to discover the truth.

Different understandings of autonomy, have been, put forward by moral and political philosophers. Many of the early conceptions of autonomy have been criticised for being too individualistic, or atomistic. These individualistic interpretations of autonomy do not properly take into consideration how we are intricately bound to the social and historical contexts which form us. There has thus been a socio-historical turn within the understanding of autonomy,

³Robert B. Brandom, *Making It Explicit: Reasoning, Representing, and Discursive Commitment* (Cambridge, MA: Harvard University Press, 1994), 6.

where liberal moral and political philosophers are now trying to incorporate these critiques into their various philosophies.

The discourse within Shi'i thought, however, is still dominated by this individualistic understanding of autonomy. The conception of autonomy that is put forward by reformist thinkers such as Mohammad Mojtahid Shabestari, consider the individual to be in an infinite plane where they must choose various goals and projects. On the other hand they deny the epistemic authority of religious experts, and state that through religious experience individuals can develop their own understanding of religion. They do not take serious this embedded concept of autonomy. I highlight Shabestari because while he presents an individualistic understanding of the self, the very hermeneutical tradition that he borrows from is amongst the greatest critics of this individualism. Hans Georg Gadamer is in the forefront of philosophers that critique the Enlightenment for its prejudice against prejudice, authority and tradition.

These atomistic conceptions of autonomy have been critiqued by conservative Shi'i thinkers. Yet, the conservative understanding of the relationship between the expert (*mujtahid*) and the layperson (*muqallid*) ignores the discursive nature of autonomy and tradition. It is through the give and take of reasons that individuals come to internalize faith, and it is through this discourse that tradition is formed. I therefore argue that a socio-historical understanding of autonomy requires that we reexamine the relationship between autonomy, authority, and tradition.

Discursive Selves

The concept of discursive selves that I use within my arguments is built upon the foundations laid by previous philosophers and psychologists. There are three concepts that are fundamental to how I understand the discursive self, and each concept will be clarified in coming chapters.

The first is that we are socially and historically embedded. Our identities, and our rational reasoning, are embedded within a social and historical tradition. We understand who we are through this tradition, and through dialogue with others. We are formed through social forces but are

also active respondents that challenge and deny various aspects of our identities and beliefs within society.

Secondly, we internalise beliefs and values through our autonomy. We are active agents in the formation of our identities. To internalise a belief requires us to fit this new belief among the others that we currently hold. This internalisation in turn motivates us towards our goals and proper actions.

The third concept is that experience brings about expertise. Our daily experience as students, wives, or workers, brings about a level of knowledge that attainable mainly through our various experiences. These experiences help us to develop a level of expertise that enable us to critique the various social forces around us. Thus, we are not ignorant participants, but knowledgeable participants with a great deal of unaccredited expertise.

The concept of the social-historical self will be built upon the discussion of an overlapping consensus of feminist, communitarian, and liberal philosophers. Although each use the concept of embeddedness for their own ends, they broadly agree on the fact that we are embedded. The concept of autonomy and internalisation is based on the psychological work of Self Determination Theory (SDT). SDT is a theory of motivation, but it built upon philosophical theories of the self and has developed a theory about how we internalise beliefs and why this internalisation motivates us. The third concept of expertise is built upon theories within the philosophy of science, especially those put forward by Harry Collins and Robert Evans.

The Shi'i Tradition

I should clarify foremost what I mean by Shi'i tradition. First of all, I understand tradition as being discursive as described by Talal Asad. Asad puts forward his understanding of tradition in his seminal essay "The Idea of an Anthropology of Religion." He defines tradition as thus:

A tradition consists essentially of discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history... An Islamic discursive tradition is simply a tradition of Muslim discourse that

addresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic practice in the present.⁴

Tradition can therefore be thought of as the framework that guides the beliefs and actions of individuals. It's composed of the comprehensive doctrines and moral principles that have been established through discourse, debate, and deliberation. As I will show below, I label those who wish to conserve this said tradition as traditionalists, those who wish to reform the tradition to allow for more liberal interpretation as reformists, and those who wish to reform tradition so that it meets the requirements of governing a modern Islamic state as Islamists.

What I mean by the Shi'i tradition is the *ithnā'asharī* (Twelver) *uṣūlī* Shi'i tradition. *Ithnā'asharī* is a sect within Islam that believes that there were 12 divinely guided Imams after the Prophet Muhammad. It is a comprehensive doctrine that holds certain theological beliefs, the main tenants which can be found in the *uṣūl al-dīn*, the principles of faith; *tawhīd* (the unity of God), divine justice, prophethood, Imamate, and the day of resurrection.⁵ Moreover, there are also theological stances on issues related to philosophical anthropology, and it is these issues that are relevant to this research. This includes views on *fiṭrah* (good innate nature), free will, and *ḥusn wa qubh al-'aqlī* (the intelligibility of good and evil). Later on, it will be shown how Shi'i philosophical anthropology can support the modern concept of autonomy and these three concepts will be explored in further detail. In doing so I will reference the works of the early Shi'i theologians who were influential in defining Shi'i theology. This includes influential scholars such as Muḥammad ibn Muḥammad ibn al-Nu'man al-Shaykh al-Mufīd (d. 413/1022), 'Alī ibn Ḥusayn

⁴Ibid., 14.

⁵ Shaykh Ṣadūq Muḥammad ibn 'Alī ibn Bābawayh, *Al-Itqādāt*, ed. 'Alī Mīr-Sharīfī and 'Aṣām 'Abd al-Sayyid, (Qum: al-Mu'tamar al-'Alimī li al-Alfiyyah al-Shaykh al-Mufīd, 1992); Jamāl al-Dīn al-Ḥillī, Miqdād ibn 'Abdallāh Suyūrī Ḥillī, and Abī al-Faṭḥ ibn Makhdūm al-Ḥusaynī, *al-Bāb al-Ḥādī al-'Ashr li al-'Allāmah al-Ḥillī ma'a Sharḥayhī*, ed. Mahdī Muḥaqiq (Mashhad: Mu'asasah Chāp va Intishārāt Āstān-i Quds-i Raḍavī, 1991; Martin J. McDermott, *The Theology of Al-Shaikh Al-Mufīd* (d. 413/1022) (Beyrouth: Dar el-Machreq éditeurs, 1978);

al-Sharīf al-Murtaḍā (d. 436/1044), and Jamāl ad-Dīn Hasan ibn Yusuf al-‘Allāmah al-Ḥillī (d. 771/1369).⁶

Mu‘tazilite theologians influenced many of these early thinkers.⁷ The Mu‘tazala are rationalist theologians that originated in the early to mid-eighth century.⁸ They debated various themes in theology such as divine justice, free will, and the commandment to do right and forbid wrong. Their opinions will be discussed only when it helps to clarify an early Shi‘i position. One thinker that will be referenced in particular is qādī ‘Abd al-Jabbār al-Hamadānī (d. 415/1024). ‘Abd al-Jabbār was one of the last great Mu‘tazilite thinkers and has written summaries about Mu‘tazilite theology.⁹

Uṣūlī refers to a school within Shi‘i thought. There have been various debates within Twelver Shi‘ism, but the current dominant framework is *uṣūlism*. The term Uṣūlī applies to an approach towards legal theory within Shi‘i jurisprudence that supports the application of rational principles. This is in contrast to the Akhbārīs who protested against the incursion of rationalism. The dispute between these two groups came to a head by the works of Muḥammad Amīn al-Astarābadī (d. 1036/1627) especially his book *al-Fawā‘id al-Madaniyya*. The Akhbārīs gained prominence during the 17th and 18th century. Uṣūlism made a return in the early 19th century and this revival is generally attributed to Muḥammad Bāqir al-Bihbihānī (d. 1206/1791). Al-

⁶ For an overview of the influence of these scholars see Mohammed Ali Amir-Moezzi, “Early Shī‘ī Theology”, in *The Oxford Handbook of Islamic Theology*, ed. Sabine Schmidtke (Oxford: Oxford University Press, 2016), <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199696703.001.0001/oxfordhb-9780199696703-e-30>; Hasan Ansari and Sabine Schmidtke, “The Shī‘ī Reception of Mu‘tazilism (II): Twelver Shī‘īs”, in *The Oxford Handbook of Islamic Theology*, ed. Sabine Schmidtke (Oxford: Oxford University Press, 2016), <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199696703.001.0001/oxfordhb-9780199696703-e-34>; see Hossein Modarressi, “Rationalism and Traditionalism in Shī‘ī Jurisprudence: A Preliminary Survey”, *Studia Islamica*, no. 59 (1984): 141–58.

⁷ Ansari and Schmidtke, “The Shī‘ī Reception of Mu‘tazilism (II)”. Martin J. McDermott, *The Theology of Al-Shaikh Al-Mufīd* (d. 413/1022) (Beyrouth: Dar el-Machreq éditeurs, 1978), 1–8.

⁸ Racha el-Omari, “The Mu‘tazilite Movement (I): The Origins of the Mu‘tazila”, in *The Oxford Handbook of Islamic Theology*, ed. Sabine Schmidtke (Oxford: Oxford University Press, 2016), <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199696703.001.0001/oxfordhb-9780199696703-e-34>

⁹ ‘Abd al-Jabbār al-Hamadānī, *Al-Uṣūl Al-Khamsah*, ed. Fayṣal Badīr ‘Awn (al-Shuwaikh: Kuwait: Kuwait University - The Authorship, Translation and Publication Committee, 1998). Richard C. Martin, *Defenders of Reason in Islam: Mu‘tazilism from Medieval School to Modern Symbol* (Oxford: Oneworld, 1997), 33–35.

Bihbihānī revived the authority of rational arguments in legal reasoning, and *uṣūlism* has been the dominant legal theory ever since.¹⁰

One of the main disputes between the Akhbārīs and the Uṣūlīs was in regards to the use of *ijtihād*. *Ijtihād* is the effort of a qualified jurist to reach a sound judgment on issues related to Islamic law.¹¹ ‘Abdallāh b. al-Ṣāliḥ al-Samāhijī (d. 1135/1723), a prominent late Safavid Akhbārī scholar, has provided a concise summary of the Akhbārī/Uṣūlī debate. The first item that he describes in the conflict is that the Uṣūlīs (here labelled as *mujtahidīn*) believe that the use of *ijtihād* is obligatory, while the Akhbārīs prohibited its use.¹² The Uṣūlīs considered four sources for proof (*hujjiyyah*): the Qur’an, the *sunnah* of the Prophet and the Imams, *ijmā’* (consensus) and *‘aql* (rationality). This is while the Akhbārīs only recognized two sources: the Qur’an; and the *sunnah*.¹³ In his analysis of al-Samāhijī’s work, Andrew Newman states that al-Samāhijī’s text confirms the fact the Uṣūlīs “argued for the necessity of recourse to subjective disciplines and rationalist principles - especially including *ijtihād* - in the analysis and application of the revelation.”¹⁴ Gleave, in support of this distinction, writes that *ijtihād* was “perhaps the defining issue upon which a scholar was classified as an Akhbārī or Uṣūlī by later tradition.”¹⁵

There were social implications on this approach to legal theory and the concept of *ijtihād* led to the establishment of a clerical hierarchy, specifically

¹⁰ For a history of this conflict see Andrew J. Newman, ‘The Nature of the Akhbārī/Uṣūlī Dispute in Late Ṣafawid Iran, Part 2: The Conflict Reassessed’, *Bulletin of the School of Oriental and African Studies, University of London* 55, no. 2 (1992): 250–61. Juan Cole, ‘Shi’i Clerics in Iraq and Iran, 1722-1780: The Akhbārī-Usulī Conflict Reconsidered’, *Iranian Studies* 18, no. 1 (1985): 3–34; Robert Gleave, *Inevitable Doubt: Two Theories of Shī’ī Jurisprudence* (Leiden; Brill, 2000), 2-13. Robert Gleave, *Scripturalist Islam: The History and Doctrines of the Akhbārī Shī’ī School* (Leiden: Brill, 2007), 1-60.

¹¹ The concept of *ijtihād* will be revisited in a later chapter. For the definition of *ijtihād* in Shi’i legal theory see Jamāl al-Dīn al-Ḥillī, *Mabādī’ al-Uṣūl wa ‘Ilm al-Uṣūl* (Beirut: Dār al-Aḍwā’, 1986), 240; ‘Alī Mishkinī, *Iṣtilāḥāt Al-Uṣūl wa Mu’aṭam Abḥāthuha* (Qum: Daftar-i Nashr al-Hādī, 1993), 18; Hossein Modarressi, “Rationalism and Traditionalism in Shī’ī Jurisprudence: A Preliminary Survey”, *Studia Islamica*, no. 59 (1984): 149-150.

¹² Andrew J. Newman, ‘The Nature of the Akhbārī/Uṣūlī Dispute in Late Ṣafawid Iran. Part 1: “Abdallāh Al-Samāhijī’s “Munyat Al-Mumārīsīn”, *Bulletin of the School of Oriental and African Studies, University of London* 55, no. 1 (1992): 24.

¹³ *Ibid.*, 24-25.

¹⁴ Andrew J. Newman, “The Nature of the Akhbārī/Uṣūlī Dispute in Late Ṣafawid Iran, Part 2: The Conflict Reassessed”, *Bulletin of the School of Oriental and African Studies, University of London* 55, no. 2 (1992): 250–61.

¹⁵ Gleave, *Inevitable Doubt*, 133.

through the concept of *marja' al-taqlīd*. The concept of *marja'iyya* refers to the importance of senior clerics as “guides, paradigms of practice and spiritual mentors.”¹⁶ A *marja'* is “a senior religious and juristic authority with a following.”¹⁷ The concept of *marja'iyya* is built upon the twin concepts of *ijtihād* and *a'lamīyya* (the most learned). Given that the concept of *ijtihād* implies expertise, for it is the inquiry of a trained jurist, the only recourse that laypersons have to valid legal opinions is to rely on the expertise of a qualified jurist, the *mujtahid*.¹⁸ This in short is the concept of *taqlīd*, or emulation, and a layperson that follows the opinions of a *mujtahid* are called *muqallid*.¹⁹ Given that issue of *taqlīd* is related to the issue of *ijtihād*, it is also considered as being one of the main differences in the Akhbarī/Uṣūlī debate.²⁰

Added to the principle of *ijtihād* is the concept of *a'lamīyya*, the most learned. Laypersons are required to not only follow a *mujtahid*, but are also required to follow the *mujtahid* that they considered to be the most learned.²¹ This is the position occupied by the *marja' al-taqlīd*, for he is considered to be the most learned of the *mujtahids*. The first scholars who were bestowed the title of *marja' al-taqlīd* were the 19th century scholars Muḥammad-Ḥasan al-Najafī and Murtaḍā al-Anṣārī (d. 1281/1864).²²

Staying within the Uṣūlī framework as set out by al-Bihbahānī, Shaykh Murtaḍā al-Anṣārī made even further advancements within Uṣūlī thought. He is generally credited for expanding the general principles of law (*al-uṣūl al-*

¹⁶ Sajjad Rizvi, “Political Mobilization and the Shi'i Religious Establishment '(marja'iyya)'”, *International Affairs (Royal Institute of International Affairs 1944-)* 86, no. 6 (2010): 1300.

¹⁷ Ibid.

¹⁸ Muḥammad Bāqir ibn Muḥammad Akmal al-Bihbahānī, *Al-Fawā'id Al-Hā'iriyyah (including Al-Fawā'id Al-Jadīda)* (Qum: Majma' al-Fikr al-Islāmī, 1995), 131.

¹⁹ Gleave, *Inevitable Doubt*, 133. Rainer Brunner, “SHI'ITE DOCTRINE II. Hierarchy in the Imamiyya”, *Encyclopaedia Iranica*, 1 October 2010, <http://www.iranicaonline.org/articles/shiite-doctrine-ii-hierarchy-emamiya>.

²⁰ al-Samāhijī, 26. Bihbahānī, *al-Fawā'id al-Hā'iriyyah*, 131.

²¹ 'Alī Makkī al-Āumlī, *Dirāsah fī Taqlīd al-A'lam* (Beirut: Dār al-Amīr li al-Thiqāfah wa al-'Ulūm, n.d.). Ruhollah Khomeini, *al-Ijtihād wa al-Taqlīd*, Mu'asasah-i Tanṭīm va Nashr-i Asār-i Imām Khumaynī vols (Tehran: Mu'asasah-i Tanṭīm va Nashr-i Asār-i Imām Khumaynī, 2005). Zackery Mirza Heern, “Thou Shalt Emulate the Most Knowledgeable Living Cleric: Redefinition of Islamic Law and Authority in Usuli Shi'ism”, *Journal of Shi'a Islamic Studies* 7, no. 3 (2014): 321–44. Calmard, J., “Mardja'-i Taklīd”, in: *Encyclopaedia of Islam, Second Edition*, Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs, 08 July 2016, http://dx.doi.org/10.1163/1573-3912_islam_COM_0684.

²² Norman Calder, “Marja' al-taqlid,” in John Esposito, ed., *The Oxford Encyclopedia of the Modern Islamic World*, New York, 1995, III, pp. 45-48.

'*amaliyya*'), and for restructuring laws related to transactions. His works have overshadowed earlier Uṣulī works and his two books *al-Makāṣīb*, on transactions, and *al-Rasā'il*, on the principles of jurisprudence (*uṣūl al-fiqh*), are part of the main staples of the *hawzah* (Islamic seminary) curriculum.²³

Categorisation: Islamists, Traditionalists, and Reformists

Although this dissertation is situated within the Shi'i tradition it is also in reaction to specific trends within contemporary Shi'i thought. It is a critique of a critique of ideas that became dominant in Iran after the establishment of the Islamic Republic. Before I can place my own work amongst the different intellectual strands within contemporary Shi'i thought it is necessary to describe how I have categorized these different strands. My categorization is quite straightforward in which I divide Shi'i thinkers into broadly three camps: traditionalists, reformists, and Islamists. The main criterion for this categorization is the way that various scholars approach *ijtihād*. I take my lead from Mehran Kamrava, for he also categorises the different intellectual trends according to their approach to *ijtihād*, while others have categorised these groups according to their approach to politics.²⁴ Although I find slight fault with Kamrava's categorization, specifically the way he defines his "conservative" category, Kamrava has brilliantly laid out the essence of the difference amongst the various categories, and his categorisation still holds today.

Mehran Kamrava, in his book *Iran's Intellectual Revolution*, divides Iranian intellectuals into three categories: conservative, reformist, and secular-

²³ Modarrasi, "Rationalism and Traditionalism", 146; Hossein Modarressi Tabataba'i, *An Introduction to Shī'ī Law: A Bibliographical Study* (London: Ithaca Press, 1984), 9; Heern, "Thou Shalt Emulate", 321–44.

²⁴ C.f. Adel Hashemi-Najafabadi, "The Shi'i Concept of Imamate and Leadership in Contemporary Iran The Case of Religious Modernists", *Studies in Religion/Sciences Religieuses* 40, no. 4 (1 December 2011): 480. Arguably Olivier Roy and Asef Bayat's distinction between Islamism and Post-Islamism is based more on politics than legal theory, see Asef Bayat, 'What Is Post-Islamism?', *ISIM Review*, 2005, 5; Olivier Roy, *The Failure of Political Islam*, trans. Carol Volk (Cambridge: Harvard University Press, 1994); Olivier Roy, *Globalized Islam: The Search for a New Ummah*, (New York: Columbia University Press, 2004); Cortni Kerr, 'Is the Post-Islamism Thesis Still Valid?', *Project on Middle East Political Science*, 30 January 2014, <http://pomeps.org/2014/01/30/is-the-post-islamism-thesis-still-valid/>.

modernist.²⁵ Kamrava provides short definitive descriptions of the three categorizes. He relies upon the general English definitions of the words, as well as the elaborate descriptions he gives of the different discourses. He summarizes that the conservative discourse is grounded in the traditional *ijtihad* and that it “eschews theoretical and doctrinal innovativeness unless doing so is made absolutely necessary by evolving political circumstances”²⁶ He defines the cornerstone of reformism as their approach to *ijtihad* and the fact that they “complement their *ijtihad* and their broader understanding of religion with other, additional sciences, including especially hermeneutics.”²⁷ Secular-modernists, as the name suggests, believe that “modernity and secularism are intertwined and naturally complementary, one being impossible without the other.”²⁸ For this category religion has no role in the public domain. Given that the thinkers in this last category generally put aside religion, they are of not of interest to the research at hand.

I generally agree with Kamrava’s understanding of reformist and conservative, but I believe that the “conservative” category is too broad. It would be better to divide conservatives into two separate branches: traditionalist and Islamist. This therefore gives us the tripartite categorisation stated earlier. Traditionalists match closer to Kamrava’s conservative category. They are scholars that limit reform within Islamic law to what has been made available within traditional scholarship. Islamists, on the other hand, do allow for a greater degree of reform in Islamic law, but towards a different social and political orientation than the reformists. The reformists push religious reform towards liberal ends while the Islamists are more socially conservative and put the interests of the Islamic state above the interests of individuals.

By dividing Kamrava’s “conservative” category it enables us to differentiate traditional scholars such Ayatollahs Sistani, and Wahid Khorasani, from Islamist scholars such Ayatollahs Khomeini, Khamenai, and Mesbah Yazdi. Kamrava’s categorization compromises the conflicting

²⁵ Mehran Kamrava, *Iran’s Intellectual Revolution* (Cambridge: Cambridge University Press, 2008), 10.

²⁶ *Ibid.*, 80.

²⁷ *Ibid.*, 122.

²⁸ *Ibid.*, 174.

approaches of the Islamist and the traditionalist camps. As stated above, Kamrava describes the conservative discourse as eschewing “theoretical and doctrinal innovativeness”. Later on, and after a lengthy analysis of the conservative discourse, Kamrava concludes that:

As we have seen so far, both the language and, more importantly, the logic of the conservative religious discourse is firmly grounded in traditional interpretations of Islam and Shi’ism.²⁹

This runs counter to what would be considered a traditionalist approach. Under my categorisation, Ayatollah Ruhollah Khomeini (d. 1989), the founder and first Supreme Leader of the Islamic Republic, is a prototypical Islamist figure. The reason being that at many junctures Khomeini put aside traditionalist approaches to Islamic law for what expedience required in governing an Islamic state. This will be made clearer in a later chapter that discuss labour and marriage laws as well as the establishment of the Expediency Council after the founding of the Islamic State. Ervand Abrahamian makes a similar argument in his book *Khomeinism* and argues that Ayatollah Khomeini was not a traditionalist, but rather a populist leader. He writes:

if fundamentalism suggests the strict implementation of the laws and institutions found in the basic religious texts, then Khomeini again was no fundamentalist.³⁰

Arguably, Ayatollah Khomeini himself would agree with Abrahamian. Muḥammad Hassan Qadīrī, a student of Khomeini and a member of the Guardian Council, wrote a letter to Khomeini that reflected critiques levied against Khomeini’s rulings on the permissibility of chess and the commercial transaction of musical instruments from a traditionalist perspective. In response, Khomeini wrote that:

The way that you have understood traditional literature necessitates that modern civilization be destroyed, and people move to the mountains and desserts and become nomads.³¹

²⁹Ibid., 116.

³⁰Ervand Abrahamian, *Khomeinism: Essays on the Islamic Republic* (Berkeley: University of California Press, 1993), 15.

This is hardly the type of response one would expect from a traditionalist. The application of traditional Islamic jurisprudence to the modern state required that Khomeini had to make difficult discussions when it came to Islamic law. To add to the difficulty many of these discussions were time sensitive, meaning that government could only wait so long for an appropriate answer. One of the prime examples of the discrepancy between traditionalist Islamic law and the state is the issue of labour law. This will be discussed in a later chapter.

It would suffice to say that the concept of *wilāyat al-faqīh*, was a modern concept introduced to Islamic law by Khomeini such that it would give greater manoeuvrability to the *faqīh* in order to legislate rulings that would have been difficult to pass through a traditionalist method.³² There is clearly a difference in the approaches of the two categories.

Another scholar that does fit into this categorisation is Morteza Motahhari (d. 1979). Motahhari was the student of Ayatollah Khomeini and is heralded as being one of the most influential intellectuals associated with the Islamic revolution of Iran.³³ Motahhari focused on demonstrating that Islam is a complete and coherent way of life with practical implications for the modern age. Moreover, Motahhari advocated for the reform of Islamic law to meet the requirements of the modern age, and there is evidence that he supported an understanding of *wilāyat al-faqīh* as put forward by Khomeini.³⁴

Prototypical scholars within the traditionalist camp would be Ayatollahs Ali Sistani, Wahid Khorasani, and Safi Golpaygani. All three scholars are considered to be a part of the *marja'īyya*, and all have studied under other

³¹ Ruhollah Khomeini, *Ṣaḥīfah-i Imām Khumaynī* (Mu'asasa Tanzīm va Nashr Āsār-i Imām Khumaynī, 1385), vol. 21, 149, <http://www.tebyan.net/newindex.aspx?pid=58950&vn=21&gpn=149&mi=9474>.

³² Asghar Schirazi, *The Constitution of Iran : Politics and the State in the Islamic Republic*, trans. John O'Kane (London: Tauris, 1997).

³³ Mahmood T. Davari, *The Political Thought of Ayatollah Murtaza Mutahhari: An Iranian Theoretician of the Islamic State* (London: Routledge Curzon, 2005), 31-86; Roxanne Leslie Euben and Muhammad Qasim Zaman, eds., 'Murtaza Motahhari', in *Princeton Readings in Islamist Thought: Texts and Contexts from Al-Banna to Bin Laden* (Princeton: Princeton University Press, 2009), 249-53.

³⁴ Morteza Motahhari, *Islām va Muqtaḍīyyāt Zamān* (Tehran: Sadra, 1993); 'Abd al-Ḥusayn Khusrupanāh, "Islām va Muqtaḍīyyāt Zamān az Dīdghāh Shahīd Muṭahharī", *Ravāq-i Andīsh* 7, no. 4 (2004): 27-51; Aḥmad Ḥusaynī Khurāsānī, "Vilāyat-i Faqīh az Nigāh-i Shahīd Muṭahharī", *Fiqh*, 39 (2004): 11-66; Davari, *The Political Thought*, 121-161.

high-ranking scholars. Sistani is the student and successor to Ayatollah Abu al-Qasim al-Khoei (d. 1992) who was himself a prominent *marja'*.³⁵ Although Sistani is based in Iraq he has gained a large global following.³⁶ Ayatollah Hossein Wahid Khorasani is a leading *marja'* in Qum. During my studies in the *hawzah* in Iran, Khorasani was constantly held to be one of the most knowledgeable scholars in Qum, and his classes on upper level *fiqh* and *uṣūl* would be highly praised, and very crowded. Ayatollah Lotfi Safi Golpaygani is another *marja'* in Qum. Safi Golpaygani used to be the head of the Guardian Council and his traditionalist approach to Islamic legal theory was at times at odds with Ayatollah Khomeini. This had to do specifically with the use of *ḍarurah* and *maṣlaḥa*.³⁷

All three scholars have a traditional approach towards Islamic legal theory. None of these scholars puts forth an approach that goes beyond the confines of legal theory as traditionally discussed within Shi'i *uṣūlī* thought. This is evident in the fact that they have gained their status as *marja'* for being able to precisely understand and preserve traditional approaches to Islamic law. As opposed to scholars in the Islamist and reformist categories, these scholars are not famed for their novel interpretations of Islamic law. They are conservative, in the sense described it by Kamrava, because they stay within the means of Islamic jurisprudence as traditionally understood.

Prototypical reformists would be Mohammad Mojtahed Shabestari and Abdolkarim Soroush. Both scholars call for a novel interpretation of Islamic law and, as Kamrava stated above, they make use of field of inquiry outside of *fiqh* and *uṣūl*. Kamrava himself names these scholars as being exemplars of this category.³⁸ Shabestari in particular will be the focus of this dissertation for reasons that will become outlined below, and a more detailed introduction will be given later. Abdolkarim Soroush is the leading figure within the reformist approach. Soroush was at first a part of the newly formed Islamic Republic but then became a vocal critic. He argues for a more dynamic understanding of *ijtihād* based upon an epistemological grounding. He argues for a pluralistic

³⁵ Rizvi, "Political mobilization", 1306-1311.

³⁶ Ibid.

³⁷ Husayn Mihrpūr, "Majma' Taskhīṣ Maṣlaḥat-i Nizām va Jāyīgah Qānūnī-e Ān", *Tahqīqāt-e Huquqī*, no. 10 (4 January 1371): 7–56.

³⁸ Kamrava, *Iran's Intellectual Revolution*, 122.

understanding of religion, including the *uṣūl al-dīn*, and that ultimately it the individual that must come to understand religion in their own terms.³⁹

Soroush's theories will not play a central role to this dissertation because much literature has already discussed his positions,⁴⁰ and because Shabestari offers a better introduction into the debate, as it will be shown below.

Not all scholars fall neatly within this categorisation, and some scholars fall somewhere in-between two of these categories. One scholar of particular importance is Ayatollah Ja'far Sobhani, another *marja'* in Qum. During my studies at the *hawzah* Ja'far Sobhani's books had become mandatory texts within the seminary curriculum. This included not only his books on *uṣūl* and *ḥadīth* sciences, but also his books on theology, exegesis, and history.⁴¹ I personally had to pass exams for courses that were centred on his books. This is significant given that the traditionalist scholars mentioned above either do not write at all on issues of theology and history, or if they do, their books do not a part of the seminary curriculum.

Sobhani is simultaneously traditionalist in his personal approach to legal theory while being an active supporter of Khomeini's concept of *wilāyat al-faqīh*.⁴² It is difficult to see how Sobhani's books would have become an integral part of the curriculum had his positions not been traditionalist. Moreover, he actively engages in the rebuttal of reformist thinkers, such as his

³⁹ 'Abd al-Karīm Surūsh, *Qabḥ va Baṣṭ-e Ti'ūrīk-e Sharī'at: naẓariyah-e takāmul-e ma'rifat-e dīnī* (Tehran: Intishārāt-e Širāt, 1388); 'Abd al-Karīm Surūsh, *Širāthāye Mustaqīm* (Tehran: Intishārāt-i Širāt, 2008); Ashk Dahlén, *Islamic Law, Epistemology and Modernity: Legal Philosophy in Contemporary Iran* (London: Routledge, 2003). Forough Jahanbakhsh, *Islam, Democracy and Religious Modernism in Iran, (1953-2000): From Bāzargān to Soroush*, (Leiden: Brill, 2001) 140-162.

⁴⁰ Soroush keeps an updated list of books written about him in English on his personal website, see Abdolkarim Soroush, 'Works On Soroush', accessed 8 July 2016, <http://drsoroush.com/en/category/works-on-soroush/>; Sayeh Meisami has organised this plethora of secondary material, see Sayeh Meisami, "Abdolkarim Soroush", *Oxford Bibliographies*, 29 October 2013, <http://www.oxfordbibliographies.com/display/id/obo-9780195390155-0034>.

⁴¹ A full list of Sobhani's over 200 authored books is available on his personal website, see Ja'far Sobhani, 'Kitābkhāneh', *Pāygāh Iṭlā' Risānī Āsār Ḥadrat Āyatullāh Al-'Uṭmā Subḥanī*, accessed 8 July 2016, <http://shia.ir/fa/persian/articleView?articleId=4748>.

⁴² Ja'far Sobhani, 'Farḍiyyah 'Urfī Shudan-i Dīn', *Pāygāh Iṭlā' Risānī Āsār Ḥadrat Āyatullāh Al-'Uṭmā Subḥanī*, accessed 8 July 2016, <http://shia.ir/fa/persian/articleView?articleId=4748>.

debate about the nature of prophetic revelation with Soroush.⁴³ These multiple positions - active support for the government and the *wilāyat al-faqīh*, his traditionalist approach towards jurisprudence, and polemical arguments with reformists - ground the reason as to why his books have become such a core part of the *hawzah* curriculum. I use Ja'far Sobhani's works as prototypes of traditionalist understanding within the seminary.

Contemporary scholars

One of the reasons that this dissertation focuses mostly on contemporary scholars is that the concept of autonomy is a modern concept. As stated in Kant's analysis above, it was modernity and the social economic changes that it brought about which lead to an increased focus on this concept of autonomy. It is modern individuals that have been given the time and means to rationally pick and choose their own beliefs and values.⁴⁴ In the history of philosophy, the concept of autonomy comes into focus in the works of Immanuel Kant.⁴⁵ Autonomy grounds Kant's approach to both epistemology and moral philosophy.⁴⁶ It would therefore not be sensible to examine the concept of autonomy amongst the writings and works of pre-modern scholars. It is in modern scholarship that this debate takes shape.

Moreover, as I stated earlier, this dissertation is a critique of a critique. It is a critique of the individualistic understanding of autonomy that has been put forward by reformist understandings of Shi'ism. After its establishment, the Islamic Republic began to regulate many aspects of the individual's private life such as music, movies, satellite television, *hijāb*, weddings, and the choice of spouse.⁴⁷ Reformist understandings of autonomy have been in reaction to

⁴³ Ja 'far Sobhani, "Vahyānī Būdan Lafz va Ma'nāye Qur'ān", *Pāygāh Ijtā' Risānī Āsār Ḥadrat Āyatullāh Al-'Uṭmā Subḥanī*, accessed 8 July 2016, <http://shia.ir/fa/persian/articleView?articleId=3507>.

⁴⁴ For a history of the development of this understanding of the self see Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge: Cambridge University Press, 1989).

⁴⁵ J. B. Schneewind, *The Invention of Autonomy: A History of Modern Moral Philosophy* (Cambridge: Cambridge University Press, 1998).

⁴⁷ Mehrangiz Kar, "The Invasion of the Private Sphere in Iran", *Social Research: An International Quarterly* 70, no. 3 (2003): 829–36; Ahmad Ashraf and Ali Banuazizi, "Iran's Tortuous Path toward "Islamic Liberalism", *International Journal of Politics, Culture, and Society* 15, no. 2 (2001): 237–56; Steven Barraclough, "Satellite Television in Iran:

these paternalistic practices. In order to curtail the encroachment of the state in personal affairs, they argued for an individualistic understanding of the self and of faith.⁴⁸ As Kathleen Foody argues these reformers rethought religion in order to “make safe and retake space overwhelmed by the authoritarian state apparatus of the Islamic Republic and its claims to religious authority.”⁴⁹

As it will be shown, these scholars have tried to open up a greater domain for the individual. This individualism is unique to reformist thought, and it is from here that my analysis begins.⁵⁰ For, I am not arguing simply that Shi’i thought should incorporate autonomy, but I am arguing for a specific understanding of autonomy. This specific type of autonomy, one that is embedded or situated within a social historical tradition, is itself a critique of the concept of autonomy that grew from the enlightenment. Again, this will be shown later, specifically in the works of the German philosopher Hans Georg Gadamer (d. 2002) the main figure in 20th century hermeneutics.

It is for this reason that this research focuses so heavily on the works of Shabestari. For, on the one hand Shabestari argues for the greater role of the individual and for individual autonomy by grounding his approach in hermeneutics and existentialism. On the other hand, one of the most prominent philosophers working in hermeneutics, Gadamer, puts forward a situated understanding of the self. Thus, Shabestari embodies this very contradiction. He simultaneously argues for individualism while borrowing concepts from hermeneutics that argues against that individualism. This,

Prohibition, Imitation and Reform”, *Middle Eastern Studies* 37, no. 3 (2001): 25–48; Wendy S. DeBano, “Enveloping Music in Gender, Nation, and Islam: Women’s Music Festivals in Post-Revolutionary Iran”, *Iranian Studies* 38, no. 3 (2005): 441–62; Mehran Kamrava, “The Civil Society Discourse in Iran”, *British Journal of Middle Eastern Studies* 28, no. 2 (2001): 165–85; Charles Kurzman, “Critics within: Islamic Scholars’ Protests against the Islamic State in Iran”, *International Journal of Politics, Culture, and Society* 15, no. 2 (2001): 341–59; Ahmad Sadri, “The Varieties of Religious Reform: Public Intelligentsia in Iran”, *International Journal of Politics, Culture, and Society* 15, no. 2 (2001): 271–82; Ameneh Youssefzadeh, “The Situation of Music in Iran since the Revolution: The Role of Official Organizations”, *British Journal of Ethnomusicology* 9, no. 2 (2000): 35–61.

⁴⁸ Kathleen Foody, “Interiorizing Islam: Religious Experience and State Oversight in the Islamic Republic of Iran”, *Journal of the American Academy of Religion*, (2015): 1–25.

⁴⁹ *Ibid.*, 3.

⁵⁰ Farzin Vahdat, *God and Juggernaut: Iran’s Intellectual Encounter with Modernity* (Syracuse University Press, 2002).

therefore, allows me to simultaneously present the concept of autonomy as it is understood within the reformist approach, while allowing me to critique that understanding and present an alternative.

Shabestari's works also provide a bridge between Western philosophy and Shi'i thought. Although, I might disagree with Shabestari's understanding of autonomy and faith, I do agree with his approach, in the sense that it is possible to mix these different traditions together. This innovative approach towards Islamic legal theory has sparked a new genre within Shi'i fiqh known as *falsafat al-fiqh*, or the philosophy of *fiqh*.⁵¹ It is truly within this genre that this dissertation can be placed. The growth of this genre is due to the contributions of reformist scholars as well as the rebuttals of their critics. The Arab reformist intellectual, 'Abd al-Jabār al-Rafā'ī, writes that Shabestari was the first individual to coin the term *falsafat al-fiqh*.⁵²

Moreover, the growth of the genre of *falsafat al-fiqh* is in response to the radical changes brought about to Shi'i *fiqh* by the establishment of the Islamic Republic of Iran. These changes are well documented by Asghar Schirazi.⁵³ I will return to two issues in particular in later chapters in regards to the changes brought about to labour and marriage laws. As it will be shown, the changes in labour law required not only a change in positive law, but also a change in legal theory. It brought about the institutionalization of expediency and led to the establishment of the Expediency Council.

Shabestari himself comments in this regard. In reply to an interviewer about the events that led him to develop his theories on hermeneutics, Shabestari replies that the catalyst was the reforms taking place within *fiqh*

⁵¹ For an overview of this growing field see, Ḥaydar Ḥuballāh, "al-Madkhal ilā Falsafah al-Fiqh" *al-Mawqī' Al-Rasmī li al-Shaykh Ḥaydar Ḥuballāh*, 10 January 2015, <http://hobbollah.com/articles/%D8%A7%D9%84%D9%85%D8%AF%D8%AE%D9%84-%D8%A5%D9%84%D9%89-%D9%81%D9%84%D8%B3%D9%81%D8%A9-%D8%A7%D9%84%D9%81%D9%82%D9%87/>; Hasan Beloushi, "The Theory of *Maqāṣid Al-Sharī'a* in Shī'ī Jurisprudence: Muḥammad Taqī Al-Mudarrisī as a Model" (PhD diss., University of Exeter, 2014), 57-59.

⁵² 'Abd al-Jabār al-Rafā'ī, 'Tajdīd Manāhij Al-Ijtihād Min Uṣūl Al-Fiqh Ilā Falsafah Al-Fiqh', *Mu'asasah al-Fikr al-Islāmī al-Mu'āsir*, 19 April 2011, <http://www.islammoasser.org/ArticlePage.aspx?id=265>; here al-Rafā'ī is referring to Abū al-Qāsim Gurjī, Kazim Ḥāyyirī, and Muḥammad Mujtahid Shabistari, 'Iqtirāḥ', *Naqd va Naẓr* 1, no. 1 (1 October 1373): 19.

⁵³ Schirazi, *The Constitution of Iran*.

and Iranian law after the revolution.⁵⁴ He states that the haphazard approach towards reform is what led him to try to make sense of what was occurring and to try to find a more systematic approach. Thus, Shabestari uses the reforms made by the Islamic republic to justify his reformist approach to Islamic legal theory. It grounds his philosophy of *fiqh*.

Yet, it would be wrong to assume that because these debates happened in Iran that these debates are necessarily specific to Iran. Non-Iranian Shi'i scholars have not only consumed the debates that have been on going within the Iranian context, but have also been active participants. For example Hassan Beloushi in his study of the Iraqi *marja'* Mohammad Taqi Modarresi states that it has been the changes and dynamism within Iran that prompted Modarresi to put forward a new approach in Shi'i legal theory.⁵⁵ Ḥaydar Ḥuballāh, an influential Lebanese scholar that teaches in Qum, not only actively writes about the issue of the philosophy of *fiqh*, but also lectures on the topic.⁵⁶ Moreover, the works of the Iranian reformists have been translated into Arabic by al-Rafā'ī, who himself is an influential reformist thinker.⁵⁷ The debates within Iran, and the practical application of the Islamic law to modern society have clearly attracted and influenced non-Iranian Shi'i thought.

Although I have indicated where theoretically I place my research within Shi'i thought, the concept of autonomy has not been discussed directly in the literature, and definitely not to the extent that it is discussed within the Western philosophical tradition. Concepts that overlap with autonomy, such as freedom and choice, are of greater focus. It requires, therefore, for one to

⁵⁴ Mujtahid Shabistari, "Dar Just va Jūya Ma'nāya Ma'nāha", *Vib Sāyt-E Shakhsī-E Muḥammad Mujtahid Shabistari*, 8 April 2014, <http://mohammadmojtahedshabestari.com/interview.php?id=308>.

⁵⁵ Beloushi, *The Theory of Maqāṣid al-Sharī'a*, 53, 99-111.

⁵⁶ Ḥuballāh, *al-Madkhal*; "Falsfah al-Fiqh 01," YouTube video, 50:44, the first of a series of lectures on the philosophy of *fiqh*, posted by "al-Mawqī' al-Rasmī li al-Shaykh Ḥaydar Ḥuballāh," May 30, 2014, https://www.youtube.com/watch?v=WAcSRmW5Yc&list=PLpjfJO2RHEKK35I_gor2GETZrZuYu8xgg.

⁵⁷ Al-Rafā'ī has even translated a few of Shabestari's works, see Muḥammad Mujtahid Shabistari, *Ta'amulāt Fī Al-Qirā'ah Al-Insāniyyah Li Al-Dīn*, trans. 'Abd al-Jabār Rafā'ī (Dār al-Tanwīr li al-Ṭabā'ah wa al-Nashr, 2014); Muḥammad Mujtahid Shabistari, *Al-Hirminūtiqā - Al-Kitāb Wa Al-Sunnah*, trans. 'Abd al-Jabār Rafā'ī (Dār al-Tanwīr li al-Ṭabā'ah wa al-Nashr, 2013).

extrapolate the concept of autonomy from the works of these individual scholars. Given that autonomy is a concept that affects multiple fields of inquiry, research into a scholar's conception of autonomy also requires that one take into consideration these various fields. Thus the chapter on Shabestari investigates how Shabestari's conception of autonomy plays a role in his understanding of faith, hermeneutics, and political philosophy.

Western Philosophy

This research is not only situated within a particular discourse in Shi'i thought, but also in an on-going discussion in Western philosophy. This research is heavily indebted to contemporary strains within Western philosophy that have put forward an understanding of the self that is embedded in a social and historical tradition. This new model of the self can be found amongst different trends within Western philosophy and sociology. My research will pull from various traditions including the analytical, continental, hermeneutical, and feminist traditions.

The launching point of my discussion is the liberal-communitarian debate. During the 1980s communitarian thinkers critiqued liberal philosophy on various topics, the crux of which was the individualistic conception of the self.⁵⁸ This debate comprised of some of the most influential philosophers in the English-speaking world, specifically philosopher's based in America, on the topic of philosophical anthropology. The argument levied by communitarian thinkers, such as Charles Taylor, Michael Sandel, and Alasdair Macintyre was that the philosophical anthropology underpinning the political philosophy of liberal thinkers, more specifically John Rawls, was too individualistic, and each of these philosophers put forward a more social

⁵⁸ For an overview of the debate, see Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Oxford: Blackwell, 1996); Paul Theobald and Todd Dinkelman, "The Parameters of the Liberal-Communitarian Debate", *Peabody Journal of Education* 70, no. 4 (1995): 5–18.; Charles Taylor, "Cross-Purposes: The Liberal-Communitarian Debate", in *Debates in Contemporary Political Philosophy: An Anthology*, ed. Derek Matravers and Jonathan E. Pike (London: Routledge, 2003), 195–213; Michael Walzer, "The Communitarian Critique of Liberalism", *Political Theory* 18, no. 1 (1990): 6–23; David Morrice, "The Liberal-Communitarian Debate in Contemporary Political Philosophy and Its Significance for International Relations", *Review of International Studies* 26, no. 02 (April 2000): 233–51; Daniel Bell, *Communitarianism and Its Critics* (Oxford: Clarendon Press, 1993).

understanding of the self. The outcome of this debate was not the abandonment of liberal political philosophy, but actually the incorporation of this understanding of the self within liberal thinking. I will show how this is the case with specifically two liberal thinkers Kwame Appiah and Will Kymlicka.

Moreover, I will show how philosophers from the feminist and continental traditions have also argued for a similar understanding of the self. I have already remarked about how I will use the philosophical hermeneutics of Hans George Gadamer to argue against the individualism put forward by Shabestari. In the process I will highlight how Gadamer borrows ideas from his own teacher, Martin Heidegger (d. 1976), one of the most influential thinkers of the 20th century.

I also show the development of the concept of relational autonomy within feminist philosophy. Relational autonomy is the understanding that “persons are socially embedded and that agents’ identities are formed within the context of social relationships.”⁵⁹ Feminists critique individualistic conceptions of autonomy for privileging patriarchal values in society, and put forward relational autonomy as an alternative understanding of the self.

The debates discussed above set out the scene for two ways that I believe Shi’i thought can incorporate an embedded understanding of autonomy. This has to do with the internalisation and formation of tradition. My arguments based on the relationship of autonomy and the internalisation of tradition are grounded in the works of Self Determination Theory (SDT). SDT is a theory in positive psychology that argues that autonomy supportive contexts help individuals to internalise tradition.⁶⁰ The history of SDT will be described in a later chapter, but it should be noted that SDT’s understanding of autonomy is inspired by many of the debates described above.

My debates about the importance of autonomy for the formation of tradition rely on contemporary works within the fields of pragmatism and epistemic democracy. Pragmatism is a philosophical tradition that originated

⁵⁹ Catriona Mackenzie, ‘Relational Autonomy, Normative Authority and Perfectionism’, *The Journal of Social Philosophy* 39, no. 4 (1 December 2008): 512–33.

⁶⁰ Edward L. Deci and Richard M. Ryan, ‘The “What” and “Why” of Goal Pursuits: Human Needs and the Self-Determination of Behavior.’, *Psychological Inquiry*, 11 (2000): 227–68.

in the United States in the 19th century. One of its principle founders was Charles Sanders Peirce (d. 1914). Pragmatism has undergone a resurgence in the twentieth century giving birth to new strands of thought within the tradition such as the Neo-Pragmatists and the New Pragmatists.⁶¹

The reason I appeal to Pragmatist philosophy is twofold. First, the pragmatic understanding of truth as the end of inquiry is quite similar to the concept of *ijtihād* as described above. Second, this understanding of truth has had ramifications in the field of epistemic democracy. The field of epistemic democracy emerged in the 1980s and is focused on the epistemic justifications for democracy.⁶² I analyse the arguments of Cheryl Misak, one of the leading figures within the New Pragmatist movement, that a pragmatic understanding of truth entails that the process of deliberation be opened up for a greater degree of participation from people of various backgrounds. I argue that since the understanding of *ijtihād* matches well with the pragmatic understanding of truth, Misak's argument for a broader participation in inquiry holds true for the Shi'i *uṣulī* understanding of *ijtihād* as well.

However, I found the arguments by epistemic democrats about how laypersons contribute to technical debates to be lacking. It is here that I turn to contemporary debates within the philosophy of science, for this issue of democratic participation has also become an important theme in discussions on the social dimensions of scientific knowledge.⁶³ Two notable thinkers in the field are Philip Kitcher and Helen Longino, and I appeal to Longino's social

⁶¹ For overviews of pragmatic philosophy see Richard J. Bernstein, *The Pragmatic Turn* (Cambridge: Polity, 2010) Cheryl. J. Misak, *The American Pragmatists*, Oxford History of Philosophy (Oxford: Oxford University Press, 2013). Robert B. Talisse and Scott F. Aikin, *Pragmatism: A Guide for the Perplexed*, Guides for the Perplexed (London ; New York: Continuum, 2008).

⁶² For an overview of debates in epistemic democracy see Melissa Schwartzberg, "Epistemic Democracy and Its Challenges", *Annual Review of Political Science* 18, no. 1 (2015): 187–203; David Estlund, 'Introduction: Epistemic Approaches to Democracy', *Episteme: A Journal of Social Epistemology* 5, no. 1 (2008): 1–4; Fabienne Peter, *Democratic Legitimacy* (London: Routledge, 2011). For more foundational texts in the field see William H. Riker, *Liberalism against Populism: A Confrontation Between the Theory of Democracy and the Theory of Social Choice* (San Francisco: WHFreeman, 1982). Joshua Cohen, 'An Epistemic Conception of Democracy', *Ethics* 97, no. 1 (1986): 26–38. David M. Estlund, *Democratic Authority: A Philosophical Framework* (Princeton: Princeton University Press, 2009).

⁶³ Helen Longino, "The Social Dimensions of Scientific Knowledge", in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Spring 2016, 2016, <http://plato.stanford.edu/archives/spr2016/entries/scientific-knowledge-social/>.

epistemology to defend the positions argued by Misak above.⁶⁴ More significantly, however, I rely on Henry Collins and Robert Evans' rethinking of expertise. They argue they argue for the inclusion of laypersons that have practical experience in a field but do not have formal credentials, which I have here labelled as unaccredited expertise. Layperson expertise sounded like an oxymoron. Collins and Evans give various examples as to how laypersons have advanced scientific knowledge. This in turn becomes the foundation for my argument as to why the opinions of laypersons should be considered within the process of *ijtihad*.

Structure of the Dissertation

With the use of this understanding of a discursive self, I hope to bring about a new equilibrium between the concepts of autonomy and tradition. The structure of the dissertation is therefore modelled after the two sides of the debate, with there are three parts in total.

The first part is the groundwork that lays the method, and the concept of the socially embedded self. This part begins by clarifying my method. I will be using Rawls' method of reflective equilibrium, a fancy word for a rather straightforward approach. In short, the method requires that one bring disparate ideas into coherence, or equilibrium. It is rather suitable to my argument given the various disciplinary fields I will be drawing from. After the chapter on method, I discuss the definition of autonomy. I will not be trying to give a definitive definition, but rather draw out the important attributes of autonomy. I then show how these attributes already have a place within Shi'i thought. From there I focus on Mohammad Mojtahid Shabestari's understanding of the self. The reason I focus on Shabestari is because his existentialist understanding of the self has been influential in Shi'i thought, under analysed in Western literature, and directly in conflict with the very hermeneutical tradition that he is working in. I compare Shabestari's understanding of the self and hermeneutics and compare it to that of

⁶⁴ Philip Kitcher, *Science, Truth, and Democracy* (Oxford: Oxford University Press, 2001); Helen E. Longino, *Science as Social Knowledge*, (Princeton: Princeton University Press, 1990).

Gadamer in order to highlight the individualism inherent in Shabestari's understanding of the self. This becomes a foundation for the next chapter which examines the overlapping consensus about the embedded self.

Part two is where my first argument is centred. I focus on one aspect within Shi'i thought that is at times used to deny autonomy, and that is the commandment of forbidding wrong and promoting good. My argument is that the concept of forbidding wrong has a condition of efficacy, and that condition is met by supporting autonomy and not by denying it. The first chapter in this part is focused on the concept of forbidding wrong, and the condition of efficacy. The second chapter is focused on the empirical research of SDT. I argue that autonomy is important for the internalisation of tradition. Supporting autonomy helps to internalise beliefs and values motivates individuals towards those internalised goals.

The third part is centred on the second argument. This part is focused on the relationship between *ijtihād* and autonomy. I argue that the layperson has a degree of unaccredited expertise which must be taken into account in the process of *ijtihād*. The first chapter in this part focuses on the understanding of tradition as discursive. This chapter builds upon the works of Talal Asad. The next chapter discusses the epistemology of contemporary Shi'i *ijtihād*: a ruling is considered true after an ideal state of inquiry. This epistemology is then compared with the pragmatic understanding of truth in the following chapter. It is then argued that an epistemology based upon an ideal state of inquiry requires one to include all participants who would bring about an epistemic gain to the inquiry. It is here that I provide evidence for the unaccredited expertise of the layperson, and how their inclusion has an epistemic gain. The following chapter then concludes by showing that there is already room within *ijtihād* for outside expertise, and that unaccredited expertise has already had an impact in Shi'i thought in terms of the Iranian labour law, and family law.

Method

The method used to study a phenomenon has some bearing on the nature of the phenomenon itself. The concept of autonomy is a comprehensive doctrine. It spans a variety of different fields of inquiry, such as economics, psychology, philosophy, anthropology, and theology. The names given to the fields of inquiry that try to focus heavily on the topic of autonomy, such as philosophical anthropology and social philosophy, are reflective of the comprehensiveness of autonomy. Therefore, a method should be used that takes this comprehensive nature of autonomy into account. One such method is Rawls' reflective equilibrium (RE).

RE is generally considered to be a coherentist approach to justification and is now seen as the appropriate method of inquiry in Anglo-American political philosophy. While coherentism was established as a method for justification before Rawls, Rawls was able to popularise it for the use of moral and political philosophy. In what follows I will briefly describe coherentism and how it differs from foundationalism, and I will describe how Rawls and subsequent philosophers have used RE. I will then explain why RE is an appropriate method for the issue at hand, although I will be using that method with minor modifications.

Coherentism vs Foundationalism

What I will explain here are coherent and foundationalist theories of justification rather than their theories of truth. The emphasis is on a method of justification. I will explain only what is justified and not what is true. The concept of truth will be dealt with in later chapters.

The easiest way to begin to describe coherentism is by stating what it is not. It is not foundationalist. Foundationalists argue that "all knowledge and justified belief rest ultimately on a foundation of noninferential knowledge or justified belief."⁶⁵ That is to say that all arguments regress back to a series of beliefs which in of themselves require no further justification. Inferential

⁶⁵Richard Fumerton, "Foundationalist Theories of Epistemic Justification," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2010, <http://plato.stanford.edu/archives/sum2010/entries/justep-foundational/>.

knowledge is knowledge that is deduced from other beliefs. I have a justified belief in P because of my beliefs in A and B, thus P is inferred from A and B.

Coherentism on the other hand states that belief is only justified if “the belief coheres with a set of beliefs, the set forms a coherent system.”⁶⁶ The common metaphor is that is that beliefs are like a ship at sea that needs continuous repairs to stay afloat. A specific belief is justified only if sits well with other beliefs in this “web of belief.”

Reflective Equilibrium

Rawls popularized the method of reflective equilibrium in *A Theory of Justice*. There he writes that justification “rests upon the entire [moral] conception and how it fits in with and organizes our considered judgments in reflective equilibrium.”⁶⁷ Elsewhere he describes his method as such:

By going back and forth, sometimes altering the conditions of the contractual circumstances, at others withdrawing our judgments and conforming them to principle, I assume that eventually we shall find a description of the initial situation that both expresses reasonable conditions and yields principles which match our considered judgments duly pruned and adjusted. This state of affairs I refer to as reflective equilibrium.⁶⁸

Norman Daniels, one of the earliest and most influential proponents of RE, describes RE as a discursive project that goes back and forth between beliefs such that it would provide a level of coherence:

The method of reflective equilibrium consists in working back and forth among our considered judgments (some say our “intuitions”) about particular instances or cases, the principles or rules that we believe govern them, and the theoretical considerations that we believe bear on accepting these considered judgments, principles, or rules, revising any of these elements wherever necessary in order to achieve an acceptable coherence among

⁶⁶Erik Olsson, “Coherentist Theories of Epistemic Justification,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2014, <http://plato.stanford.edu/archives/spr2014/entries/justep-coherence/>.

⁶⁷John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 579.

⁶⁸*Ibid.*, 20.

them. The method succeeds and we achieve reflective equilibrium when we arrive at an acceptable coherence among these beliefs⁶⁹

The Pragmatic Turn

There are three ways which I would like to use philosophical thought of pragmatism to augment Rawls' RE. These three ways consist of trying to include elements of foundationalism, highlighting the importance of coherence, and incorporating a pragmatic theory of truth. The latter two concepts are borrowed from Pierce, and while the first is a newer theory presented by Susan Haack.

There are a few debates to the degree that RE is coherentist. Many proponents of RE themselves label RE as being coherentist. Daniels states that RE is "broadly coherentist."⁷⁰ Others, however, claim that RE is not a pure coherentist method of justification, but rather it is a weak form of foundationalism that also takes into consider the justification of a belief in a web of beliefs. One such argument is put forward by Roger Ebertz. He argues that Rawls' RE is not coherentist, but is instead a form of modest foundationalism.⁷¹ He states that "Both considered moral judgments and the common presumptions turn out to serve as modest foundations in a system of ethical beliefs in reflective equilibrium."⁷²

The particulars of Rawls' approach to RE and its classification are not of terrible significance. The justifiability of coherentism or a modest foundationalism, however, is significant. I don't believe that either foundationalism nor coherentism provide valid methods of justification. Instead I think a form of modest, or weak, foundationalism is appropriate. More specifically, a pragmatic approach to justification, one that is rather similar to Susan Haack's oddly named pragmatic approach, "foundheretism."

⁶⁹Norman Daniels, "Reflective Equilibrium," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2013, <http://plato.stanford.edu/archives/win2013/entries/reflective-equilibrium/>.

⁷⁰Norman Daniels, *Justice and Justification: Reflective Equilibrium in Theory and Practice* (Cambridge: Cambridge University Press, 1996), 1.

⁷¹Roger P. Ebertz, "Is Reflective Equilibrium a Coherentist Model?" *Canadian Journal of Philosophy* 23, no. 2 (June 1, 1993): 193–214, <http://www.jstor.org/stable/40231817>.

⁷²*Ibid.*, 206.

She describes her approach in a rather clever analogy of how “foundheretism” is similar to a crossword puzzle:

How reasonable one’s confidence is that a certain entry in a crossword puzzle is correct depends on: how much support is given to this entry by the clue and any intersecting entries that have already been filled in how reasonable, independently of the entry in question, one’s confidence is that those other already filled-in entries are correct; and how many of the intersecting entries have been filled in⁷³

Thus, this approach takes has two main steps. The first is that a belief must have some sort of justification independent of other beliefs. It stands by itself within that particular field. The second is that this belief must be coherent with other beliefs in wide reflective equilibrium. It is coherent with other beliefs in other fields.

This will hopefully overcome one of the criticisms of RE. A method is valued if it different individuals can apply that method and still arrive to the same conclusions. It is however possible to apply RE and have different people arrive to different conclusions.⁷⁴ The reason being that each individual can adjust concepts in different ways in order to have them reach a point of coherence. I hope to overcome this by using foundheretism to justify concepts through a series of foundations as well as having them form a coherent web of thought.

This leads to the second point of the incorporation of pragmatism: the importance of incoherence. One of the primary benefits of RE in that it allows us to check for incoherence. I will be able to check for incoherence in the concept of autonomy across different major fields such as philosophical anthropology, psychology, and Shi’i *kalam*. This is following with the pragmatic approach to justification, and as Olsson summarizes Pierce: “Coherence may not suffice to justify our beliefs, but incoherence is what

⁷³Susan Haack, *Evidence and Inquiry: Towards Reconstruction in Epistemology* (Oxford: Blackwell, 1993), 82.

⁷⁴Thomas Kelly and Sarah McGrath, “Is Reflective Equilibrium Enough?” *Philosophical Perspectives* 24, no. 1 (December 1, 2010): 325–59, doi:[10.1111/j.1520-8583.2010.00195.x](https://doi.org/10.1111/j.1520-8583.2010.00195.x).

forces us to give them up.”⁷⁵ Thus, my refutation of certain arguments will be based on their incoherence in the web of thought.

The third point of incorporation from pragmatism is in regards to fallibilism. RE and fallibilism do not state that all of our background theories are necessarily true, nor do they give the same weight to all theories. Some theories are more central to others and less flexible to adjustment. For example the concept of *tawhīd* is more foundational in Shi’i thought than certain principles in *uṣūl al-fiqh*, because it is a part of the *uṣūl al-dīn*.⁷⁶ This does not mean however, that all of these background theories are necessarily true. Rather than start from a position of global skepticism, such as the Cartesian methodology, we instead begin from a position of fallibilism. We assume that the background theories we are relying upon are true but we can revise these theories at any time in the future. Inquiry can only be done in a piecemeal fashion, and if we discover any incoherences in our thought, we will adjust accordingly. This concept of fallibilism will be elaborated in further chapters.⁷⁷

The Precedence of Empiricism

A Shi’i traditionalist might object to our research approach on the grounds that we are developing our concept of autonomy first, then trying to make it work within Shi’i thought. They might object to the fact that I give rational and empirical methods priority over the Shi’i tradition literature. Why not, instead, develop a theory of autonomy from within the tradition and then bring that theory into reflective equilibrium in other fields such as psychology and philosophy.

This criticism is misguided. Simply because I do not begin my analysis with an in-depth analysis of the tradition literature does not mean that I am ignoring that tradition literature. Instead I am building upon the views of the scholars that dedicated their lives, over centuries, to the development of the Shi’i tradition. I begin with the premise that many of the notions of autonomy

⁷⁵Erik J. Olsson, *Against Coherence: Truth, Probability, and Justification* (Oxford: Oxford University Press, 2005), 203.

⁷⁶ See 11

⁷⁷ See 258.

are already developed within Shi'i tradition. This will become evident in the early chapters. I also take as given current Shi'i *uṣūlī* understandings of *ijtihād* and understandings of the conditions of forbidding wrong. If anything this work is already heavily steeped in the Shi'i tradition. What I am trying to do, however, is push the boundaries in the way Shi'i tradition understands how these separate concepts fit together. I am in search of a new type of equilibrium.

As it will be seen later on, I do give special weight to empirical results obtained in psychology, especially by those that work in the field of Self-Determination Theory (SDT). The reason I give precedence to empiricism, and the results put forward by SDT, is that the study of autonomy is primarily a study of how people really live, how they make decisions, internalize concepts, and are motivated towards goals. It is an inquiry into real lived lives of individuals. Any inquiry, whether they start with philosophy or theology, will eventually have to map the understanding of autonomy to the real experiences of individuals. This is in fact what has happened within psychology and the theories put forward by SDT. The founders of SDT were initially profoundly influenced by philosophy, especially philosophical theories that dealt with experience such as phenomenology.⁷⁸ Philosophy provided the paradigm for which they began their experiments.

Moreover, the arguments I will try to defend in psychology and the philosophical traditions are in part informed by an understanding of Shi'i thought. For example, Shi'ism has a strong intellectual history defending free-will. One that has developed historically alongside the arguments put forward by Mu'tazalī thinkers. None of the philosophical or psychological trends that support determinism will be considered in this dissertation. The reason being that such an undertaking would require a major rethinking of the Shi'i tradition, and require a dissertation in of itself.

More importantly, some concepts within Shi'i thought require that arguments be grounded in empirical data. As it will be argued further, the

⁷⁸ Edward L. Deci and Richard M. Ryan, "Autonomy Is No Illusion: Self-Determination Theory and the Empirical Study of Authenticity, Awareness, and Will", in *Handbook of Experimental Existential Psychology*, ed. Jeff Greenberg, Sander Leon Koole, and Thomas A. Pyszczynski (New York: Guilford Press, 2004), 449–79.

concept of forbidding wrong is accompanied by multiple conditions, one of which is the condition of efficacy. Forbidding wrong is obligatory if one knows that one's admonitions will have an effect. This question can only be answered by empirical data.

An Instrumentalist Defense

This dissertation will argue for the importance of autonomy in way that differs from current debates within political and moral philosophy. I will, ultimately, be advocating for an instrumentalist defense of autonomy. I will argue that respecting autonomy is important for other goals that are currently valued in Shi'i thought. This differs from approaches towards autonomy in Western philosophy, especial in liberal political philosophy, where it is valued as a good in and of itself. For western philosophy autonomy, to borrow a term from Charles Taylor, is a hypergood. It is foundational idea that supports other beliefs. It even serves as the foundational building block to Rawls moral philosophy, constructivism.

For constructivists, there is no concept of truth outside of human deliberation. Constructivism argues that "insofar as there are normative truths, for example, truths about what we ought to do, they are in some sense determined by an idealized process of rational deliberation, choice, or agreement."⁷⁹ Truth is "constituted by what agents would agree to under some specified conditions of choice."⁸⁰ Thus autonomy and deliberation are core to Rawls' moral philosophy. Autonomous individuals in an idealized process of deliberation construct the truth. It is clear that in this moral philosophy paternalistic actions are detrimental, for it is not only coercive but it hampers the very process which defines truth and proper moral action. In his communitarian critique Rawls philosophical anthropology, Michael Sandel brilliantly captures how the concept of autonomy, sits within this backdrop of moral philosophy:

⁷⁹Carla Bagnoli, "Constructivism in Metaethics," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2014, <http://plato.stanford.edu/archives/spr2014/entries/constructivism-metaethics/>.

⁸⁰Ibid.

Bound up with the notion of an independent self is a vision of the moral universe this self must inhabit. Unlike classical Greek and medieval Christian conceptions, the universe of the deontological ethic is a place devoid of inherent meaning, a world 'disenchanted' in Max Weber's phrase, a world without an objective moral order. Only in a universe empty of *telos*, such as seventeenth-century science and philosophy affirmed, is it possible to conceive a subject apart from and prior to its purposes and ends. Only a world ungoverned by a purposive order leaves principles of justice open to human construction and conceptions of the good to individual choice. In this the depth of opposition between deontological liberalism and teleological world views most fully appears.⁸¹

In Shi'i thought, in comparison, there are moral truths that exist outside of rational deliberation, what will be discussed as *the al-ḥukm al-wāqīʿī*, and the motivation for attaining these moral truths is to reach God. As it will be shown morality is seen as a means of approaching God. It is within this backdrop that I make an instrumental defense of autonomy. I argue that respecting autonomy is important because it helps the community to discover the truths that God intended and it helps individuals internalize these truths.

Others have also made instrumental arguments as to why religious communities should respect autonomy. Lucas Swaine and Robert Talisse are two liberal philosophers who try to argue why religious communities should adopt liberal positions. Lucas Swaine puts forward an argument for the freedom of conscience and liberal institutions directed towards religious communities, theocrats in his terminology. Swaine argues that "[c]onscience must be free, for the theocrat, to reject errant faiths where they may arise, to gravitate toward the good, and to have the ability to distinguish among competing alternatives."⁸²

Robert Talisse has a similar argument in his defense of folk epistemology and why religious communities should value democracy, he states:

I argued that the fact that we hold beliefs at all commits us to the norms associated with assertion, and chief among these is the norm of articulating, exchanging, and responding to reasons. Yet these activities can be engaged only within a certain kind of social context. That is, in order to engage in activities of reason-exchange and argument, not only must

⁸¹Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge University Press, 1998), 175.

⁸²Lucas Swaine, *The Liberal Conscience: Politics and Principle in a World of Religious Pluralism* (New York: Columbia University Press, 2006), 51.

individuals be afforded the protections and liberties associated with freedom of thought and expression, they must also have access to a variety of reliable sources of information. Accordingly, a political order under which information is strictly controlled and the exchange of arguments and reasons is suppressed is incompatible with proper believing.⁸³

My argument differs from Swaine and Talisse in two ways. First, I am not making any direct political arguments. I am not arguing for the justification of democracy or liberal institutions. What political arrangements best fit the model of autonomy I am defending is a separate question, although this research does have implications as to the type of political organisation could be best defended by this research. Second, the arguments put forward by Swaine and Talisse are not universally applicable. These arguments are not modular, it is not easy for a particular comprehensive doctrines to incorporate the philosophical arguments that Swaine and Talisse have presented. Both arguments rest on a premise that rationality is important for the understanding of morality. Their arguments only apply to understanding of religion that correlate belief with rationality.

There are certain religious views that try to undermine the role of rationality in religious thought. One example would be the *tafkīkī* tradition within Shi'ism. The *maktab-e tafkīk*, a movement that denounces the philosophical rationalist trend in Shi'ism, have a fideist conception of faith. Fideists argue that faith is independent from reason and that reason is not an independent source of knowledge. The proponents of *maktab-e tafkīk* argue that:

humans are hardwired to recognise the divine because, unlike philosophers who argue that knowing God is incumbent, they argue that one only needs to prove something that is doubted. Rather naively perhaps, *tafkīk* argues that God is not a dubitable entity and to this end quotes numerous texts that demonstrate that recognising God involves simple, innate knowledge that exists within each of us and merely needs to be activated or recollected through contemplation of the Qur'an and the teachings of the Imams.⁸⁴

⁸³Robert B. Talisse, *Democracy and Moral Conflict* (Cambridge: Cambridge University Press, 2009), 121–22.

⁸⁴Sajjad Rizvi, "'Only the Imam Knows Best' the Maktab-E Tafkīk's Attack on the Legitimacy of Philosophy in Iran," *Journal of the Royal Asiatic Society* 22, no. 3 (2012): 499, doi:[10.1017/S1356186312000417](https://doi.org/10.1017/S1356186312000417).

My argument differs from Swain and Talisse in that I make an instrumentalist defense of autonomy in relation to a particular religion. A comprehensive doctrine such as autonomy has many ramifications for religious thought, and the quality of faith is one aspect which a religious doctrine must balance. Yet, given this, Shi'ism is well placed to incorporate autonomy. Values such as free-will, rationality, and positive moral disposition that are central to autonomy are already found within Shi'i thought. I expand on this in the next chapter.

The Structure of the Study

The layout of this dissertation will therefore follow this coherentist approach of RE. I will begin by describing autonomy and the particular attribute of social-historical embeddedness. I will then show how reformist Shi'i thinkers do not consider this embeddedness as being an attribute of autonomy, and that they argue for a more individualistic understanding of autonomy. This individualistic understanding will be shown to conflict with the near consensus within Western political philosophy of the embeddedness of individuals. The arguments for an embedded understanding of autonomy and the intellectual history that led to this consensus will be examined.

The next phase is to show how this concept of autonomy can be brought in to reflective equilibrium within Shi'i thought. This will have to do with the balancing several concepts in regards to the internalization and formation of tradition. There are two major concepts which would seem to contradict individual autonomy. First is the concept of forbidding evil, such that it gives the community permission for paternalistic actions towards the individual so that individual can live up to the standardized of the idealized religious self. Second, is in regards to moral responsibility. The moral regulations that help to form this idealized self are said to be the sole domain of the *mujtahid*. Thus the individual neither develops this understanding of the idealized self and the moral stipulations they have to follow, and paternalistic actions are justified to coherence the individual to follow these stipulations.

I will show, instead, that this relationship between the autonomy and tradition is in fact much more complicated. I will first argue that religion is

internalized when autonomy is respected. Thus paternalistic actions are counter productive. Second, I will show that the formation of tradition benefits when it takes into consideration the lived experiences of autonomous individuals. Thus the *muqalid* can help the *mujtahid* in discovering God's rulings.

The Definition of Autonomy and Its Foundations in Shi'i Thought

One of the difficulties about discussing autonomy is that it is very difficult to define and describe its limits. While there are certain definitions that have gained currency, these definitions are not without their critics. There is a further complication in trying to classify different types of autonomy such as moral or personal autonomy. All of this adds to the complexity of trying to write a coherent theory about the concept.

A large degree of this conflict is caused by the classical approach to definitions, an approach that seeks the essential essences of objects. I will eschew this approach and instead opt for an approach that is based on prototypes and schemas. I will begin by arguing why the classical approach fails at describing concepts and why prototypes are a better alternative.

With the prototype approach to defining autonomy, I will discuss how certain attributes of autonomy, such as rationality and free-will, have long been considered as essential attributes of the concept. I will also show how these concepts are already a part of the Shi'i conceptions of the self, and that it is possible to ground autonomy within comparable Shi'i conceptions.

Moreover, I will introduce an attribute of autonomy that has come under focus more recently within philosophy. That is the attribute of social embeddedness. I will examine how the concept of social embedded autonomy has gained currency through the arguments put forward by feminist philosophers. What I wish to defend is a broad overlapping consensus that social embeddedness is a vital attribute of autonomy. While I will be merely presenting a definition of that embeddedness in this chapter, I will explore the ramifications that it has had for liberal political philosophy in a later chapter. This social turn in autonomy will help to open up the possibility of balance

between tradition and autonomy. Where the Enlightenment conception of the authority of reason and the negation of tradition is rebalanced such that it is within the backdrop of tradition that makes autonomy and reason possible.

I do not wish, however, to enter into the lengthy debate about the exact nature of autonomy such as the procedural, normative competency, dialogical, or strong substantive approaches. The reason being that a broad general description of autonomy by itself poses a challenge to other conceptions in Shi'i thought. These broad attributes have an overlapping consensus, such as autonomy being constitutive of rationality, free-will, and being socially embedded. I am, therefore, more interested in the relationship between autonomy and tradition. What I am interested in is more what is inferred by autonomy in Shi'i thought than its mental representation. That is that I am interested in how this broad understanding of autonomy can be incorporated into Shi'i thought, and its subsequent ramifications.

Moreover, the definition of autonomy used in SDT reflects this broad understanding. They do not go into detail about the particulars of the term, but are more interested in the ramifications of this concept in terms of motivation. Thus, they begin with a broad understanding of autonomy and tease several concepts such independence, control, and structure as they relate to the concept of autonomy and motivation.

A Prototype Approach to Defining Autonomy

The classical approach to definition was based on Aristotelian principles of essence and accidents. Similarly, the traditional Islamic approach to definition in *mantiq* is still based on these Aristotelian principles. Aristotle made a distinction between the essence of an object (*dhāt*) and its accidents (*ʿarḍ*). The essence captures the core properties of the thing, such that without them it is something else, while accidents are incidental properties.⁸⁵ The Aristotelian approach tried to find strict demarcations between essences of objects, and it made no distinction between degrees of membership; a thing is either a part of the category or it is not. In this view it makes no sense to

⁸⁵ John R. Taylor, *Linguistic Categorization: Prototypes in Linguistic Theory* (Oxford: Clarendon Press, 1995), 22.

describe *i* as being more of a vowel than *o*, or of chair being more *furniture* than radio.⁸⁶

There is, however, a significant amount of empirical evidence that challenge this Aristotelian foundation.⁸⁷ Willett Kempton, for example, found that in descriptions of ceramic vessels in Mexican Spanish that there was no consensus on characteristics that could be used to define the essence of the vessels.⁸⁸ Hampton, after a series of experiments which asked subjects to rate category members, concluded that the “results of the two experiments...suggest that an important aspect of the definition of concepts such as FRUIT or FURNITURE is that there are *no* features which taken in conjunction provide a necessary and sufficient definition.”⁸⁹

The most foundational studies have been those put forward by Eleanor Rosch. Her initial experiments found that, in contrast to the classical view, our understanding of objects are in terms of degrees of membership. Such that certain objects better define the category than others. Through several experiments, especially those having to do with our categorization of form and color, she discovered that our categorization revolves around certain prototypes, and that it was these exemplars that define the category.⁹⁰ Thus, instead of defining an object by certain essences and categorizing them by these essences, categories have a prototype which are the standards by which we judge other members: “Entities are assigned membership in a category in virtue of their similarity to the prototype; the closer an entity to the prototype, the more central its status within the category.”⁹¹

Prototyping

The prototype approach argues that some members of the category are more central than others and become a basis for defining members within

⁸⁶Ibid., 43.

⁸⁷Ibid., 56–76.

⁸⁸Willett Kempton, *The Folk Classification of Ceramics: A Study of Cognitive Prototypes* (Academic Press, 1981).

⁸⁹James A. Hampton, “Polymorphous Concepts in Semantic Memory,” *Journal of Verbal Learning and Verbal Behavior* 18, no. 4 (August 1979): 457, doi:[10.1016/S0022-5371\(79\)90246-9](https://doi.org/10.1016/S0022-5371(79)90246-9).

⁹⁰Eleanor H. Rosch, “Natural Categories,” *Cognitive Psychology* 4, no. 3 (May 1973): 328–50, doi:[10.1016/0010-0285\(73\)90017-0](https://doi.org/10.1016/0010-0285(73)90017-0).

⁹¹Taylor, *Linguistic Categorization*, 60.

that category; they are better examples for that category. A chair is a prototype for *furniture*, because it is a better example of *furniture* than a radio.⁹²

There is a debate in regards to prototypes about whether one should begin the categorization based on concrete or abstract prototypes. One can either develop the category of *bird* based on a real robin, or they can develop a mental schema that would encompass the attributes of a bird. Some, such as John Taylor, argue for the use of abstract prototypes. His argument lies in part that even in concrete prototypes, one still needs to develop a mental representation in order to identify prototypes on different occasions.⁹³ Within this abstract prototype some attributes are weighted more heavily than others. The attribute of wings will be more essential for the understanding of *bird* than the attribute of gender.

Murphy describes these as *summary representations* such that the “concept is represented as features that are usually found in the category members, but some features are more important than others.”⁹⁴ He gives an example with weapons:

It is important for weapons that they be able to hurt you, but not so important that they be made of metal, even though many weapons are. Thus, the feature “can do harm” would be highly weighted in the representation, whereas the feature “made of metal” would not be.⁹⁵

Schemata

There are a few ways in which this abstract prototype view has been implemented, of which I will discuss two: lists and schemas. The list approach simply lists the attributes and gives each attribute a specific weight. It however does take into consideration the relationships between features.

⁹²Eleanor Rosch and Carolyn B Mervis, “Family Resemblances: Studies in the Internal Structure of Categories,” *Cognitive Psychology* 7, no. 4 (October 1975): 573, doi:[10.1016/0010-0285\(75\)90024-9](https://doi.org/10.1016/0010-0285(75)90024-9).

⁹³Taylor, *Linguistic Categorization*, 60.

⁹⁴Gregory L. Murphy, *The Big Book of Concepts* (Cambridge, Mass.: MIT Press, 2004), 42.

⁹⁵*Ibid.*, 42–43.

A schema, however, is a “structured representation that divides up the properties of an item into dimensions (usually called slots) and values on those dimensions (fillers of the slots).”⁹⁶

The slots have restrictions on them that say what kinds of fillers they can have. For example, the head-color slot of a bird can only be filled by colors; it can’t be filled by sizes or locations, because these would not specify the color of the bird’s head. Furthermore, the slot may place constraints on the specific value allowed for that concept. For example, a bird could have two, one or no eyes (presumably through some accident), but could not have more than two eyes. The slot for number of eyes would include this restriction. The fillers of the slot are understood to be competitors. For example, if the head color of birds included colors such as blue, black, and red, this would indicate that the head would be blue OR black OR red. (If the head could be a complex pattern or mixture of colors, that would have to be a separate feature.) Finally, the slots themselves may be connected by relations that restrict their values. For example, if a bird does not fly, then it does not migrate south in winter. This could be represented as a connection between the locomotion slot (which indicates how the bird moves itself around) and the slot that includes the information on migration.⁹⁷

I am not proposing, however, that the schemata must necessarily be as complicated as stated above. For our purposes simpler schemata would probably be more useful. Schemata are in general are useful cognitive tools, in that they “aid cognition because they are organized: they have a familiar structure, and people can rely on that structure to facilitate memory, communication, and reasoning.”⁹⁸ In the context of the prototype approach they would act as a basis for defining the key attributes of autonomy.

Defining Autonomy

There is much literature on trying to define autonomy, and trying to discover examples that would fit those definitions. Much of the debate surrounds the fuzzy outliers, examples that seem to be both autonomous and heteronomous. There have been procedural, content-neutral, normative

⁹⁶Ibid., 47.

⁹⁷Ibid., 47.

⁹⁸Merideth Gattis, *Spatial Schemas and Abstract Thought* (Cambridge: MIT Press, 2001), 2.

competency, and relational definitions of autonomy.⁹⁹ This list is not exhaustive. Each definition tries to uncover a new layer of understanding of the concept.

A few authors have taken a different approach, and have attempted the above mentioned schema approach to defining autonomy. Uleman, in her introduction to the moral philosophy of Kant, decided to focus on three attributes of autonomy: freedom, rationality, and will. Her argument, however, is that the word autonomy is burdened with different definitions that makes it unusable:

In early work on this book, I found myself using 'autonomy' to describe free rational willing. Autonomous activity is more or less the same as free rational activity of the will; 'autonomy' is characteristic of a will that (freely) gives itself a (rational) action-guiding law. 'Autonomy' thus has the advantage that it encompasses and inextricably relates, in one word, Kantian freedom, rationality, and will. But I have decided not to use the term here, at least not very often, despite its being, in some contexts, a key term for Kant himself. Not unlike 'freedom,' 'rationality,' and 'will,' the term 'autonomy' is so freighted, its accreted connotations so thick, its post-Kantian adventures so various and storied, that I prefer less felicitous terms and phrases, like 'free rational practical activity', 'free rational willing,' and 'free rational activity of the will.' Besides triggering fewer associations for readers, these also have the advantage, when they come as phrases, of reminding us just what Kant is seeking to encompass and inextricably relate.¹⁰⁰

John Christman, arguably one of the foremost authors on the concept of autonomy in moral and political philosophy, reaches a similar conclusion. After naming a variety of different definitions, he argues

Nevertheless, it is clear that formulating a "theory" of the concept will involve more than merely uncovering the obscure details of the idea's essence, for autonomy, like many concepts central to contentious moral or political debate is itself essentially contested. So a theory of autonomy is simply a construction of a concept aimed at capturing the general sense of "self-rule" or "self-government" (ideas which obviously admit of their own

⁹⁹Natalie Stoljar, "Feminist Perspectives on Autonomy," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2014, <http://plato.stanford.edu/archives/spr2014/entries/feminism-autonomy/>.

¹⁰⁰Jennifer K. Uleman, *An Introduction to Kant's Moral Philosophy* (Cambridge: Cambridge University Press, 2010), 2.

vagaries) and which connects adequately with the other principles and norms typically connected to those notions.¹⁰¹

This schemata based approach best fits the research at hand. For I do not intend to put forward a complete theory of autonomy and provide evidence for my theory. Instead I am trying to show how autonomy fits within Shi'i thought. What I am interested is how autonomy, as a broad general concept, is able to coherently exist within the Shi'i web of thought. There are certain attributes of autonomy which are of importance to this coherence, and I will focus on these attributes.

A Schema of Autonomy: Relevant Attributes

I do not wish to put forward a complete schema of the attributes of autonomy. That in of itself is a daunting task. What I would like to focus on instead, are a list of attributes that central to the concept of autonomy and will be central to the debates I will be pursuing. I will begin the analysis of autonomy by examining some of the attributes that have already been put forward within the literature.

We have already discussed some of the attributes of autonomy given by Uleman. These are freedom, rationality, and will. Christman puts forward a somewhat similar list of attributes, although organized differently. He puts forward two attributes as the core understanding of autonomy; independence from coercion, and self-rule. Self-rule is given greater weight and is considered as the core of autonomy because a "full account of that ability will surely entail the freedom from external manipulation characteristic of independence."¹⁰² Self-rule, in short, encompasses independence from coercion.

Self-rule, in turn, has two major attributes, these are competence and authenticity. He describes competence as including "various capacities for rational thought, self-control, and freedom from debilitating pathologies, systematic self-deception, and so on."¹⁰³ And authenticity often includes "the

¹⁰¹ John Christman, "Autonomy in Moral and Political Philosophy. The Stanford Encyclopedia of Philosophy," 2011, <http://plato.stanford.edu/archives/spr2011/entries/autonomy-moral/>.

¹⁰² Ibid.

¹⁰³ Ibid.

capacity to reflect upon and endorse (or identify with) one's desires, values, and so on."¹⁰⁴ Different accounts, will in turn, offer different conditions. Its prototypes all the way down.

Christman and Uleman's list of attributes do correlate. Christman's concept of authenticity incorporates freedom and will, and his concept of competence incorporates will and rationality. Although these concepts do not necessarily correlate perfectly, the benefit of the prototype approach is that we can consider all of these attributes to be a part of what it means to be autonomous. Some of these attributes, freedom, rationality, will, competence, and authenticity, overlap with others, but none of the exclude the others. I will give greater weight to Uleman's understanding of autonomy as freedom, rationality, and will. The reason being that these concepts make it easier to understand what is meant by Christman's notion of self-rule.

Autonomy and Social Embeddedness

Missing from Uleman's list attributes is independence, and rightly so. There is a tendency in popular culture to equate autonomy and independence, but the two concepts are not interrelated for many working in academic circles. The opposite of autonomy is not dependence, but heteronomy. One of the core attributes of autonomy that has become discussed heavily in recent literature is embeddedness; the fact that autonomy is embedded in a social-historical context.

An individualistic understanding of autonomy assumes that the agent is able to choose values and structure their life independent of the social context. Instead, the attribute of social embeddedness states that agents are in part products of the social environment in which they live, that they are interdependent on others, and that this independence is not oppressive but empowering. It helps us to develop our identities and gives us the epistemic tools necessary for making informed decisions. Others argue that because we come to understand that we are shaped by social-historical means, that empowers us to come to understand ourselves a different way.

¹⁰⁴Ibid.

This is a broad understanding of embeddedness. Some take this to a further conclusion that there is no autonomy and instead all agents are products of their social environment.¹⁰⁵ I will not be analyzing this view of embeddedness as social determinism because it would run counter to both the theological understanding of free-will within Shi'ism and the empirical evidence provided by psychology that agents do in fact have autonomy.

This concept of embeddedness has gained currency in the term relational autonomy. This term, unfortunately, has stayed within feminist circles. Communitarian discussions of a similar concept have used a different vocabulary although they are arguing along similar lines. Feminists argued that "the notion of individual autonomy is fundamentally individualistic and rationalistic."¹⁰⁶ This individualistic understanding of autonomy is well characterized by Code. She argues that the current understanding of autonomy has moved passed its Enlightenment definition. She states that the Enlightenment conception of autonomous man celebrated his freedom to "trust in the power of his own reason and ready to shed the constraints of heteronomy."¹⁰⁷ In a often cited passage from *What Can She Know* Lorraine Code writes:

Autonomous man is—and should be—self-sufficient, independent, and self-reliant, a self-realizing individual who directs his efforts towards maximizing his personal gains. His independence is under constant threat from other (equally self-serving) individuals: hence he devises rules to protect himself from intrusion. Talk of rights, rational self-interest, expedience, and efficiency permeates his moral, social, and political discourse. In short, there has been a gradual alignment of autonomy with individualism.¹⁰⁸

This individualistic conception of autonomy is seen to be an extension of the patriarchal values within society. Individualism is valued because it has been valuable for men to gain power. This conception of autonomy is seen to

¹⁰⁵Linda Barclay, "Autonomy and the Social Self," in *Relational Autonomy : Feminist Perspectives on Autonomy, Agency, and the Social Self: Feminist Perspectives on Autonomy, Agency, and the Social Self*, ed. Catriona Mackenzie and Natalie Stoljar (Oxford: Oxford University Press, 1999), 54.

¹⁰⁶Catriona MacKenzie and Natalie Stoljar, "Autonomy Refigured," in *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self: Feminist Essays on Autonomy, Agency and Social Self* (Oxford: Oxford University Press, 1999), 3.

¹⁰⁷Lorraine Code, *What Can She Know?: Feminist Theory and the Construction of Knowledge* (New York: Cornell University Press, 1991), 77.

¹⁰⁸*Ibid.*

be alienating and to have had negative social consequences. Jonathon Herring, for example, argues that this individualistic understanding of autonomy has had negative consequences in family law. He argues that “autonomy as it is commonly understood should not be seen as a value of fundamental importance in family law.”¹⁰⁹ This is based on the claim that “individualistic autonomy regards freedom to live as one chooses; a separation from others; and respecting an individual’s choice is simply inconsistent with family life as it is understood and experienced by most.”¹¹⁰ He goes on to cite Pamela Scheininger’s argument among similar lines:

Because the law is conceived of in its application to the isolated individual rather than in its application to the individual’s various associations and relationships, the law does not accurately reflect the reality of human existence. The legitimacy of the law is thus challenged. Individual persons do not operate as independent, separate entities, but as interdependent, connected parts of larger groups. In failing to deal with laws as they affect human relationships, lawmakers ignore a fundamental aspect of our humanity...¹¹¹

Herrings argues that because family law is based on an individualistic understanding of autonomy it is oppressive. This is in stark contrast to the reformist theories that will be discussed in the following chapters. They put forward an individualistic understanding of autonomy because they believe it is liberation. Although reformists are trying to curb certain paternalistic behaviours they have gone to the other extreme and presented a model of autonomy that in of itself would be oppressive to certain members of society.

Feminist thinkers have offered a relational conception of autonomy to replace the individualistic understanding of autonomy. It is an umbrella term designed to encompass a variety of similar approaches, which share a core of values related to the embedded nature of the autonomous agent. Two prominent feminist thinkers on the conception of relational autonomy, Catriona Mackenzie and Natalie Stoljar, explain the concept as such:

These perspectives are premised on a shared conviction, the conviction that persons are socially embedded and that agents’ identities are formed within the context of social

¹⁰⁹Jonathon Herring, “Relational Autonomy and Family Law,” in *Rights, Gender and Family Law*, ed. Julie Wallbank, Shazia Choudhry, and Jonathan Herring (Oxford: Routledge, 2009), 261.

¹¹⁰Ibid., 261.

¹¹¹Ibid., 283.

relationships and shaped by a complex of intersecting social determinants, such as race, class, gender, and ethnicity. Thus the focus of relational approaches is to analyze the implications of the intersubjective and social dimensions of selfhood and identity for conceptions of individual autonomy and moral and political agency.¹¹²

This relational aspect of autonomy has been influential in care ethics as well. Richard Ashcroft in his review of the role in autonomy within care ethics argues that care ethicists “criticise the central role that the notion of self-sufficient independence tends to play in moral thinking in Western culture.”¹¹³

Relational autonomy thus argues for an understanding of autonomy that is embedded in social-historical contexts and interpersonal relationships. This notion of social embeddedness is not, however, specific to feminist critiques of autonomy. It is in fact now a widely accepted attribute of autonomy throughout liberal and communitarian approaches. How this social embeddedness came to dominate liberal philosophy is the subject of a following chapter.

Liberals, however, reject that their conception of autonomy is individualistic. They argue that this atomistic understanding of autonomy is only applicable to very few liberals, and libertarians in particular. Daniel Bell, in his overview of the communitarian understanding of the self makes a similar comment. He states that Charles Taylor’s influential paper ‘Atomism,’ was directed towards Robert Nozick, but Rawls’ understanding of autonomy and the self does in fact capture this social nature of the self.¹¹⁴

There is, however, a noteworthy difference between feminist and communitarian approaches. Linda Barclay writes that the difference between communitarianism and feminist conceptions of autonomy is based upon their different motivations. Communitarians are motivated by political aspirations and to the extent that then current liberal political philosophy, and Rawls

¹¹²Mackenzie and Stoljar, “Autonomy Refigured,” 4.

¹¹³Richard E. Ashcroft, *Case Analysis in Clinical Ethics* (Cambridge: Cambridge University Press, 2005).

¹¹⁴Daniel Bell, “Communitarianism,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2013, <http://plato.stanford.edu/archives/fall2013/entries/communitarianism/>.

specifically, was reliant on an atomistic understanding of the self. Feminists on the other hand, had different goals:

But for feminists, the importance of this insight is that it opens up the possibility of changing our identities and challenging existing social structures. Precisely because our identities — our aims, aspirations, and capacities — are socially determined, we can repudiate the historically entrenched view that women (and others) have a certain fixed and immutable nature, a nature that suits them for specific roles and dis-qualifies them for others.¹¹⁵

I would like to strengthen the argument of social embeddedness in showing how this concept has been incorporated into liberal moral and political philosophy. It is generally liberalism that is accused of presenting and atomistic conception of the self, thus by showing how liberal thought has incorporated this social conception of the self leaves very few critics. It is from here that I will critique how this concept of social embeddedness is denied in the philosophical anthropology of reformist Iranian intellectuals. This will be done through a case study of the works of Shabestari. Reformists deny or minimize the social embeddedness of autonomy in order to limit state paternalism. This individualism has the sort of problems which are stated by the feminists, Communitarians, and even liberal philosophers.

How Shi'ism has made room for autonomy

Incorporating autonomy into a comprehensive doctrine such as Shi'ism has its challenges. The first is that the concept of autonomy is itself comprehensive. It requires that one adhere to a certain philosophical anthropology that could have possible ramifications in terms of theology. It is along these lines that certain Christian theologians have argued that Christianity and autonomy cannot exist together. As it will be shown, Shi'ism can incorporate autonomy in terms of theological abstract concept. Ramifications of autonomy for normative behavior will be discussed later.

Autonomy as a Comprehensive Doctrine

The fact that autonomy is a comprehensive doctrine as well as its ramifications has been well pointed out by Rawls. Rawls believed that

¹¹⁵Barclay, "Autonomy and the Social Self," 67.

autonomy was a comprehensive and it was in part to this that he decided to move to a political conception of liberalism. Rawls argued that it would not be possible to develop an overlapping conception on such a concept. Thus, if a government or political structure were to be developed on this would eventually require oppressive forces to keep that government or political structure in power. He called this the *fact of oppression*. He argued that “a continuing shared understanding on one comprehensive religious, philosophical, or moral doctrine can be maintained only by the oppressive use of state power.”¹¹⁶ He held this to be true of the concept of autonomy as well. Rawls states that Kantian moral autonomy would not be acceptable to all, especially those belonging to religious traditions, and that “[m]any citizens of faith reject moral autonomy as a part of their way of life.”¹¹⁷ Rawls therefore tries to develop a political notion of autonomy, one that constrains autonomy to the domain of politics, in the hopes of achieving a greater consensus.

This conflict between religion and autonomy is evident in a few Christian responses. Kant’s conception of autonomy looks favorably upon humanity and its ability to rational decipher the good. This concept contradicts certain Christian theological conceptions of the human as ‘fallen,’ and depraved both in nature and intelligence.¹¹⁸ Pamela Anderson and Jordan Bell highlight two ways in which Kantian concept of autonomy conflicts with in Christian thought. The first, is that reason in Christian thought is mistrusted, since it is driven by selfish and sinful motives. The second, is that autonomy builds pride and that pride destroys communities. “Both reason and autonomy are wrongly supposed by certain Christian theologians, especially those influenced by Barth if not Calvin; to be the ‘cause’ of broken communities, broken families, wrecked marriages and sexual immorality generally.”¹¹⁹ These are rather harsh claims against autonomy.

However, autonomy as a comprehensive doctrine does not pose as a similar problem for Shi’i theology. Shi’ism already incorporates concepts that are complementary to autonomy such as free-will and the concept of *husn wa*

¹¹⁶ John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), 37.

¹¹⁷ *Ibid.* xliii.

¹¹⁸ Pamela Sue Anderson and Jordan Bell, *Kant and Theology* (London: T&T Clark, 2010), 33.

¹¹⁹ *Ibid.*, 46.

qubḥ al-`aqli, which establishes the moral capability of the individual to rationally discern between right and wrong. This correlates well to Uleman's distinction of autonomy, discussed above, as constituting three distinct attributes: freedom, rationality, and will. In this section two of these attributes will be discussed, the Shi'i notion of free-will, and Shi'i notion of rationality in terms of moral actions. Both of these concepts have long established history in Shi'i thought. The concept of free-will is central tenet to Shi'ism such that it helps to define Shi'ism, and the concept of *ḥusn wa qubḥ al-`aqli* has long history in *uṣūlī* thought. This is in contrast to the Christian mistrust of rationality and the concept of the 'fallen.'

Given that these concepts have a long history within Shi'i thought, and in the interest of space, no lengthy intellectual history will be discussed. The purpose of this section is only to show that these attributes already have a place in Shi'i thought, and that I plan to build on these attributes for my forthcoming arguments. I am simply trying to clarify a few of the background assumptions in the discussion of autonomy.

Jafar Sobhani ultimately sums up the various attributes of autonomy that I have been trying to describe. He writes:

Insofar as an individual benefits from his wholesome, innate nature, from his capacity to discriminate between good and evil, and from his ability to exercise his free will—on these foundations his ethical and spiritual development becomes a real possibility. The gateway to the transcendent path of right guidance leading back to God is always open to man; it is only at the moment of death that it closes, that is, when repentance is no longer accepted.¹²⁰

There are three aspects of the individual that Sobhani describes, that will be described in further depth. The first is the wholesome innate nature, or *fiṭra*. Shi'i thought sees the individual as being as being innately good. Second is the ability to discriminate between good and evil, the *ḥusn wa qubḥ al-`aqli*, and the third is free-will. I shall briefly describe these three concepts and how they are placed within Shi'i thought.

¹²⁰ Ja'far ;Subḥānī, *The Doctrines of Shi'ism: A Compendium of Imami Beliefs and Practices*, trans. Reza Shah-Kazemi (I.B.Tauris, 2001), 10.

***Fiṭra* and the Good Innate Nature**

Shi'i thought sees human nature as being innately good, and that individuals have an inclination towards the divine. The roots of the debate can be found in the Qur'an, where there are verses that God has instilled an innate nature in mankind that drives them toward the divine:

So [Prophet] as a man of pure faith, stand firm and true in your devotion to the religion. This is the natural disposition [*fiṭra*] God instilled in mankind - there is no altering God's creation - and this is the right religion, though most people do not realize it.¹²¹

Muhammad ibn 'Alī ibn Bābawaih al-Qummi al-Shaykh al-Sadūq (d. 380/ 991), the most eminent traditionist and jurist of the 9th and 10th century, writes that "[God] gave all of creation a natural disposition (*faṭara*) to towards the oneness of God (*tawhīd*)."¹²² After this explanation Sadūq brings a hadith in support of his view. Mufīd in his commentary Sadūq's views, upholds Sadūq's position.¹²³

This concept of *fiṭra* has been expounded upon by contemporary scholars, such as Motaharri.¹²⁴ For Motaharri, the concept of *fiṭra* has taken a philosophical turn, one that has become as a backdrop for his epistemology. Those philosophical arguments aside, Motaharri comments about this innate nature of mankind throughout his various works.¹²⁵ In a commentary on the meaning of the word *fiṭra* Motaharri writes:

The issue is that God the most high has created all of mankind with a single pure natural disposition (*fiṭra*) that is drawn to the monotheism, the truth, the good, and the divine.¹²⁶

It is this innate disposition towards the good that Subahani argues provides the groundwork for humankind's moral development. It is clear to

¹²¹ Surah al-Rūm 30:30

¹²² Shaykh Ṣadūq Muḥammad ibn 'Alī Ibn Bābawayh, *Al-Itqādāt*, ed. 'Alī Mīr-Sharīfī and 'Aṣām 'Abd al-Sayyid (Qum: al-Mu'tamar al-'Alimī li al-Alfiyyah al-Shaykh al-Mufīd, 1992), 36.

¹²³ Muḥammad ibn Muḥammad Mufīd, *Tasīḥ al-l'tiqādāt al-Imamiyyah*, ed. Ḥusayn Dargāhī (Qum: al-Mu'tamar al-'Alimī li al-Alfiyyah al-Shaykh al-Mufīd, 1992), 60-62.

¹²⁴ For a more recent debate surrounding the concept of *fiṭra* interestingly influenced by the works of Alvin Plantinga, see Aḥmad Narāqī, "Ma'qūliyyat Itiqādāt-i Dīnī", *Naqd va Naẓr*, 3,4 (1995): 150-65; Muḥammad Akhavān, "Bunyān Ustivār-i Fiṭrat", *Naqd va Naẓr*, 6 (1996): 333-45.

¹²⁵ For an overview of Motaharri's use of *fiṭra*, see Aḥmad Frāmarz Qarāmalakī, "Karkard Ma'rifaṭī Naẓriyyah Fiṭrat dar Intdīshah Ustād Muṭaharri", *Qabasāt*, 30, 31 (2003): 119-32.

¹²⁶ Murtaḍa Mutaharri, *Ashnāi Bā Qur'ān* - 12 (Tehran: Sadra, n.d.), 23.

see how this notion of the *fiṭra* differs from the Christian notion of the “fallen,” discussed above. Mankind is designed in such a way that they move towards the good and the divine.

This concept of *fiṭra* has implications for autonomy. It means that if humankind is inclined toward the good, then supporting their autonomy would also be supporting them toward this good. They are given the ability to drive towards the good that they are innately drawn towards. The concept of *fiṭra* positions autonomy in a positive light. In a sense, by helping someone to become autonomous, one would be helping the inner nature to come forward.

Free-will

The debate about free-will is a long standing debate that has divided the various schools of thought. It was one of the cornerstones of the debates put forward by the Mu'tazila.¹²⁷ The debate was between *jabr*, determinism, and *tafwīḍ*, meaning to delegate, as in God has delegate the actions of the individual to the individual. Shaykh Sadūq in his *al-Itqādāt* simply cites a *ḥadīth* from Imam Ja'far al-Ṣādiq stating that “*lā jabr wa lā tafwīz wa lākin amr bayn amrayn*”, “neither complete constraint nor complete freedom but something inbetween.”¹²⁸ Shaykh Mufīd in his commentary states that what is meant by being inbetween these two positions is that God has not determined man's actions, but he still bound by moral guidelines.¹²⁹

Ayatollah Motaharri in his *An Introduction to Ilm al-Kalam* summarises the various debates that have been held within Islamic theology. He has a chapter titled “The Shi'i Standpoint” in which he summarises contemporary Shi'i positions on theological issues. On the issue of free will he writes:

¹²⁷ Jamāl al-Dīn al-Ḥillī, Miqdād ibn 'Abdallāh Suyūrī Ḥillī, and Abī al-Faṭḥ ibn Makhdūm al-Ḥusaynī, *Al-Bāb Al-Ḥādī Al-'Ashr li Al-'Allāmah Al-Ḥillī Ma'a Sharḥayhī*, ed. Maḥdī Muḥaqqiq, (Mashhad: Mu'asasah Chāp va Intishārāt Āstān-i Quds-i Raḍavī, 1991), 27-28. Shaykh Ṣadūq Muḥammad ibn 'Alī Ibn Bābawayh, *Al-Itqādāt*, ed. 'Alī Mīr-Sharīfī and 'Aṣām 'Abd al-Sayyid (Qum: al-Mu'tamar al-'Alimī li al-Alfiyyah al-Shaykh al-Mufīd, 1992), 29. Martin J. McDermott, *The Theology of Al-Shaikh Al-Mufīd* (d. 413/1022), *Recherches. Nouvelle Série. A, Langue Arabe et Pensée Islamique* (Beyrouth: Dar el-Machreq éditeurs, 1978), 162-164; William M. Watt, 'Free Will and Predestination in Early Islam', *The Muslim World* 36, no. 2 (1 April 1946): 124–52.

¹²⁸ Alī Ibn Bābawayh, *Al-Itqādāt*, 29; Translation from Daniel Gimaret, “Free Will”, *Encyclopaedia Iranica*, 31 January 2012, <http://www.iranicaonline.org/articles/free-will->

¹²⁹ Mufīd, *al-Taṣṭīḥ*, 47.

Freedom and free will, as believed by the Shi'ah, mean that men are created as free beings. But they, like any other creature, are entirely dependent on the Divine Essence for their existence and all its multifarious modes, including the mode of action, all of which are derived from and are dependent on God's merciful care, and seek help from His Will.

Accordingly, free will and freedom in Shi'ism occupy an intermediate position between the Ash'arite (absolute) predestination (jabr) and the Mu'tazilite doctrine of freedom (tafwid). This is the meaning of the famous dictum of the Infallible Imams (A:): "la jabra wa la tafwida bal 'amrun bayna 'amrayn"¹³⁰

Similarly, Ayatollah Jafar Sobhani has summarised contemporary Shi'i positions on theology in his book *Doctrines of Shi'i Islam*. On the issue of free will he writes:

Man is endowed with free will; he is capable of exercising independent choice - this means that, when deciding whether or not to undertake a particular action, he takes account of its various dimensions in the light of his intellectual faculty.¹³¹

The ability to exercise independent choice supports the notion of autonomy. One has the capability to pick and choose one's course of life and beliefs. One is not completely bound to the will of God.

The Intelligibility of Good and Evil

One of the cornerstones to the concept of autonomy is the ability of individuals to rationally decipher what is right from what is wrong. That is not to say that one must understand individuals to be rational in a mathematical sense; that they are able to deduce conclusions from premises. Rather, it is to understand individuals as being able to differentiate good moral actions from bad moral actions by simply using their rational faculties. Even though one has a natural inclination towards God and can freely exercise his will, one must also have the ability to distinguish between right and wrong.

The debate regarding the intelligibility of good and evil, *ḥusn wa qubh al-'aqlī*, began initially as theological debate, and has been later incorporated into jurisprudential matters. The core of the debate is that individuals have the ability to discern between good and evil based on rational reasoning. Allamah

¹³⁰ Murtadha Motaharri, "An Introduction to Ilm Al-Kalam. Al-Islam.org," trans. Ali Quli Qara'i, accessed June 25, 2015, <http://www.al-islam.org/al-tawhid/vol3-no2/introduction-ilm-al-kalam>.

¹³¹ Subḥānī, *The Doctrines of Shi'ism*, 10.

al-Ḥillī discusses this issue under the category of the *al-af'āl*, actions, of God. He states that once the existence of God has been established it is then necessary to explain God's justice.¹³² He states that good and evil are rationally discernable and that God does not perform evil actions. He attributes this stance to the Mu'tazilites and states that the 'Ash'aris on the other hand, believe that good and evil is only understandable through the sharia.¹³³

Sobhani states that "the principle of 'the intelligibility of good and evil' is the foundation of many Shi'i beliefs"¹³⁴ One of the arguments that Sobhani puts forward in defense of the intelligibility of good and evil is that if good and evil can only be distinguished through the use of religion, then we could never validate the goodness of the religious doctrines:

If we were to suppose that the intellect were incapable - in a universal fashion - of grasping the distinction between good and evil acts, and that all people must refer to religion to enable them to perceive the goodness or evil of a given act, then we would be forced to accept the concomitant argument that even the validity of the religiously sanctioned distinction between good and evil could not be proven.¹³⁵

Sobhani's quote gives the impression that the concept of the intelligibility of good and evil means that individuals can independently verify the goodness of religious doctrines and injunctions. This would imply that it would have implications for Islamic law, and it is for this precise reason that there are lengthy debates about this concept within the books of *uṣūl al-fiqh*.¹³⁶ The ramifications of the intelligibility of good and evil has led to the creation of legal maxim about the coherence between Islamic law and rationality, *qā'idah al-mulāzimah bayn al-'aql wa ḥukm al-shar'*, and the famous slogan that whatever the *shar'* rules, rationality rules as well, *kulumā*

¹³² Hasan ibn Yūsūf al-Ḥillī, *Kashf al-Murād gī Sharḥ Tajrīd al-I'tiqād*, ed. Ja'far Subḥānī (Qum: Mu'asasah al-Imām al-Ṣādiq, 2003); 'Abd al-Jabbār al-Hamadānī, *Sharḥ Al-Uṣūl Al-Khamsah*, ed. Aḥmad ibn Ḥusayn Abī Hāshim (Beirut: Dār al-Iḥya al-Turāth al-'Arabī, 2001), 326.

¹³³ Ibid.

¹³⁴ Subḥānī, *The Doctrines of Shi'ism*, 10.

¹³⁵ Ibid., 50.

¹³⁶ Muḍaffar, *Uṣūl al-Fiqh*, vol. 3.

*ḥakam bihi al-`aql hakama bihi al-shar`.*¹³⁷ This is discussed in depth in Muḍaffar's *Uṣūl al-Fiqh*.¹³⁸ This is rather significant given that Muḍaffar's introduction to *uṣūl* is one of the standard books required in the hawzah curriculum. It is a sign as to how deep, and well grounded this concept is within Shi'i thought.

These three concepts - *fiṭra*, free will, and the intelligibility of good and evil - provide a firm foundation for the concept of autonomy. One is inclined toward the good and can freely choose the what one deems good based on one's rationality. However, deciphering good from evil is not an easy task. It is here that Shi'i thought seems to limit autonomy in favor of expertise, or more specifically, *ijtihād*. The next section will discuss the dilemma between autonomy and *taqlīd*.

The Scope of *Taqlīd*

Autonomy is not without conflict in Shi'i thought, particular the understanding of autonomy praised by the Enlightenment. The Enlightenment saw the rise of the authority of reason to the detriment of the authority of tradition. The autonomous agent should bend his will only to the convincing arguments of good reason and not to tradition or any external moral authority. This spirit of the Enlightenment is still relevant in many contemporary understandings of autonomy, as Robert Paul Wolff argues about the moral position of the individual:

He may learn from others about his moral obligations, but only in the sense that a mathematician learns from other mathematicians-namely by hearing from them arguments whose validity he recognizes even though he did not think of them himself. He does not learn in the sense that one learns from an explorer, by accepting as true his accounts of things one cannot see for oneself.¹³⁹

This conception of autonomy will present problems for Shi'i thought for Shi'ism states that one should listen the moral expert, the *mujtahid*, namely the concept of *taqlīd* or emulation. The *mujtahid* does not derive rulings from

¹³⁷ Ibid.; 'Alī Rabānī Gulpaygānī, *Mulāzimah Ḥukm 'Aql va Shar' Az Dīdgāh-i Shayk Anṣārī*, vol. 1 (Qum: Kungireh, 1994); Ali-Reza Bhojani, *Moral Rationalism and Shari'a: Independent Rationality in Modern Shi'i Usul Al-Fiqh* (London: Routledge, 2015).

¹³⁸ Muḥammad Riḍā Muḍaffar, *Uṣūl Al-Fiqh*, 4 vols (Qum: Ismā'īlīyān, 1998), 2:205.

¹³⁹ Robert Paul Wolff, *In Defense of Anarchism* (University of California Press, 1998), 13.

purely rational premises but instead depends upon the tradition literature. The autonomy of the individual is in a way bound by the opinions of these moral experts. Yet, this type of epistemic dependence is now beginning to have resurgence in Western philosophy. Take for example Gerald Dworkin's reply to Wolff's comment above.

This picture is inaccurate even for the mathematician. Mathematicians often accept results on the word of other mathematicians without going through the proofs for themselves. And they may do so (particularly) in fields in which they do not possess the techniques to assess the proof even if they were inclined to do so.¹⁴⁰

I have already stated how this concept of social-embeddedness is a part of autonomy, and that it is a concept I will explore further in regards to the relationship between *mujtahid* and *muqalid*. Shi'ism, however, confines this concept of *taqlīd* to the practice of religion. When it comes to theology, there is no *taqlīd* and each individual must come to a rational decision regarding these theological concepts. Most contemporary *marāja`* emphasize this point in their handbook of laws. For example, Ayatollah Khorasani writes that: "A person's belief in the fundamentals of Islam must be based on his own research and knowledge. Taqlīd — following others in an issue without knowledge of the issue — in these fundamentals is invalid."¹⁴¹

It is therefore not sufficient that an individual holds a belief that can theoretically be justified, but it is necessary that the individual go through a process of justification. This process of justification itself, in turn, must be accepted by the community of inquirers. Hence, there is an emphasis by Shi'i jurists that beliefs must be based on rationality, for rational inquiry is accepted as valid means of inquiry to issues of theology.

The only authority that remains in the field of theology is the authority of reason. Muḥammad Riḍā al-Muẓaffar, whose book on *uṣūl al-fiqh* is part of the standard *ḥawzah* curriculum, succinctly summarizes this standard position on the issue of *taqlīd* in theology, or *uṣūl al-dīn*, in his book *`Aqā'id al-*

¹⁴⁰Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge: Cambridge University Press, 1988), 42–43, <http://ebooks.cambridge.org/ref/id/CBO9780511625206>.

¹⁴¹Wahid Khorasani, "The Precepts of Taqlīd. The Official Website for the G.A. Wahid Khorasani," accessed May 12, 2015, http://wahidkhorasani.com/English/Fatwa/Content/218_Book-of-Verdicts/219_THE-PRECEPTS-OF-TAQL%C3%8FD.

Imāmīyah. He argues that it is necessary for the individual to use reason to gain knowledge about these topics, and that this necessity is itself based on reason.¹⁴² He writes that it is “necessary upon [the individual] based upon one’s rational disposition – that is also supported by Quranic text – to do research, ponder, develop an opinion and think about the foundational topics of their belief, namely the *usūl al-‘aḳāid*.”¹⁴³ The scope of this knowledge is, however, limited to the very basics of theological beliefs; such as the oneness of God but not his attributes.

Although Muḳaffar clearly states that this principle is itself a rational principle he does bring Quranic verses to support his argument. One verse in particular is in regards to following what one’s forefathers believed. “But when it is said to them, ‘Follow the message that God has sent down,’ they answer, ‘We follow the ways of our fathers.’ What! Even though their fathers understood nothing and were not guided?”¹⁴⁴ It is quite common to refer to this verse in regards to the illegitimacy of doing *taqlīd* for theological beliefs. Another verse that Muḳaffar cites is the verse that admonishes disbelievers for following *ẓann* or speculation: “If you obeyed most of those on earth, they would lead you away from the path of God. They follow nothing but speculation; they are merely guessing”¹⁴⁵

Ayatollah Sobhani in an article on *āzādī*, freedom, summarizes the dependence of theological beliefs on reason as such: “...the religion of Islam, according to several verses of the Qur’an..., supports the logic of reason and dialogue and therefore cannot put forward an approach based on force or reluctance.”¹⁴⁶ Later on, it will be shown how Ayatollah Beheshti develops on this relationship between freedom and belief even further.¹⁴⁷

The reason *taqlīd* is not accepted in theological matters is because *qat’* or certainty is the only acceptable epistemic state for theological beliefs. *Ẓann*, in general is considered to be epistemically useless. Many *uṣūlī*’s refer to

¹⁴²Muḳammad Riḳā Muḳaffar, *‘Aḳāid Al-Imāmīyah*, n.d., 18.

¹⁴³*Ibid.*, 18.

¹⁴⁴Quran 2:170

¹⁴⁵Quran 6:116

¹⁴⁶Subḥānī TabrīzīJ`afar, “Āzādī,” accessed August 21, 2014, <http://tohid.ir/fa/persian/articleView?articleId=2897>.

¹⁴⁷See 169.

verses of the Qur'an that state that *ẓann* does not count as knowledge¹⁴⁸: "Guesswork *ẓann* is of no value against the Truth."¹⁴⁹ In terms of theological belief, one is required to have *qat'*, certainty. *Taqīd* does not lead to *qat'*, but only leads to *ẓann* or a probability of truth. *Qat'* is however different from *yaqīn* as used within Islamic philosophy. *Yaqīn* implies that one is certain of an opinion and that there will be no evidence to the contrary. *Qat'* is just the epistemological status of certainty, irregardless if one thinks that they might discover evidence to the contrary.¹⁵⁰ I will expand on this notion of fallibilism in a later chapter. Therefore, the only means of reaching *qat'* is through epistemic self-reliance, to use the term coined by Zagzebski.

Arguably, the bar for reason is set too high within Shi'i thought. This condition of *qat'* for theological beliefs raises a problem in Islamic law, for many people do not reach *qat'*. How are we to then evaluate their faith? Shaykh Ansari, for example, concludes that if one where to know that it is an obligation to reach certainty in one's theological beliefs, and does not do so, then one is *fāsiq*, transgressor, and that there is a probability that one is a *kāfir*, infidel. Yet if one were to try one's best to reach certainty and fail, or that one did not know that it was obligation, then they would be forgiven on the day judgement, even though there is possibility that they are *kāfir*.¹⁵¹ The end goal is to reach certainty in terms of beliefs.

There is therefore a clear space in which the individual not only uses their rational free will to develop their beliefs, but that they are religiously obligated to do so. Thus, their faith must be an expression of their autonomy. Faith by any other means is not considered faith, and if one does not use their autonomy to develop this faith they are on the brink of *kufr*. It is here, however, that key questions on what it means to be autonomous arises. That clearly this expression of autonomy differs from Enlightenment notions.

The way that one is expected to reach *qat'* reflects this difference. Although there are no extended discussions in the books about how one is to

¹⁴⁸Muẓaffar Muḥammad Riḍā, *Uṣūl Al-Fiqh*, vols. 3-4 (Qum: Ismā'īlīyān, 1998), 17.

¹⁴⁹Qur'an 53:28

¹⁵⁰ Kamāl al-Haydarī and Maḥmūd Ni'mat al-Jayāshī, *Al-Qat': Dirāsāt Fī Ḥujjiyatuḥu Wa Aqsāmahu Wa 'Aḥkāmuhu* (Iran: Dār Farāqīd, 2011), 107.

¹⁵¹Murtaḍā ibn Muḥammad Amīn Anṣārī, *Farā'id Al-'Uṣūl*, Majma' Al-Fikr Al-Islāmī 24-27 (Qum: Majma' al-Fikr al-Islāmī, 1419), 584.

reach *qat`*, the books written on *uṣūl al-`aqaid* by the *uṣūlī*s themselves reflects the general outlook. None of these books, for example, begin with Cartesian doubt, or some type of global skepticism were one is supposed to build there belief on beginning from certain foundations. If anything, the *uṣūlī* approach reflects Peirce's pragmatism. Peirce argued that "there is but one state of mind from which you can 'set out', namely the very state of mind in which you find yourself at the time you do 'set out' - a state in which you are laden with an immense mass of cognition already formed, of which you cannot divest yourself if you would"¹⁵² The arguments provided by these books begin from the state of mind of the general public. They will begin with a series of arguments that build up from commonly accepted principles.

Musawi Lari's *God and His Attributes* is a good case example. Although Musawi Lari's books have not gained popularity in its original Farsi, my own experience amongst Muslims living in the West, in both America and England, is that the English translations of his books have become an important resource for many English speaking communities. This is due in part to Professor Hamid Algar's excellent translation and the lack of competition in English. The books have subsequently found their ways into many Western academic libraries. The popularity of the book is also found in that it speaks directly to a liberal Western audience that is rooted in scientific materialism. Many older books included sections that would begin by refuting Marxist thought.¹⁵³ Musawi Lari begins instead by tackling empiricism, namely his chapters on 'God and Empirical Logic' and 'Pseudo-Scientific Demagoguery'. There is an appreciation for the mental state of the audience, and it is from here that Mousavi Lari will begin his arguments. Thus the chapter on 'God and Empirical Logic' argues for the limits of empiricism and comes before Musawi Lari presents any arguments for the existence of God. Lacking in the book are any typically foundationalist approach. There is no search for Archimedean points, but rather a dialogue that begins from the readers' real doubts.

¹⁵²Charles Sanders Peirce, *Collected Papers of Charles Sanders Peirce* (Harvard University Press, 1974), 5.416.

¹⁵³ C.f. Muhammad Taqī Misbāḥ Yazdī, *Āmuzish-i 'Aqāyid* (Tehran: Sazmān Tablīqhat-i Islāmī, 1986); Murtadha Muṭaharrī, *Fiṭrat* (Tehran: Sadra, n.d.).

Pushing the Boundaries of Autonomy

In this chapter we have given a definition of autonomy based on a prototype model. Autonomy consist of freedom, rationality, will, and is embedded in a social-historical context. These attributes of autonomy can also be found within Shi'i thought. Here I wish to not only summarise these attributes but also explain how they ground two concepts which I will discuss later on. These two concepts are *al-ḥukm al-wāqīʿī*, the real ruling, and *'amr bi al-ma'rūf wa nahī an al-munkar*, forbidding wrong and enjoining good.

In order for humanity to reach God, God has endowed humanity with certain traits. Three that are relevant to our discussion are *ikhtiyar* (free-will), *'aql* (rationality), and *fiṭrah* (natural disposition towards God and the good). With these faculties humanity is able to rationally discern between good and evil, the principle of *ḥusn wa qubḥ al-'aqlī*. Guides, as Imams and Prophets, were sent down to humanity to help them find the path to God. We live in an unfortunate time where the last Imam is occultation. With the use of of the tradition literature that remains from the Prophet and Imams, along with our rational faculties, humanity must now strive, *ijtihād*, to find the moral path to God. We might never know the rulings of God, *al-ḥukm al-wāqīʿī*, but our sincere attempt at trying to arrive to these rulings will suffice for us on the day of judgement.

Clearly there is an overlap between the philosophical understanding of autonomy and Shi'i theology. Shi'i theology and the liberal understanding of autonomy both argue that individuals have free-will, that they are inclined to the good, and that they are rationally able to decipher good from evil. There a few differences between the two approaches in that they each value autonomy for different reasons. Liberalism tends to value autonomy as a good in of itself. It becomes a premise to support other liberal conclusions, such as the concept of justice as fairness. Shi'ism supports autonomy because it brings one closer to God.

Shi'i tradition views humanity as a social being, as is evident in the concept of promoting good and forbidding wrong, *al-'amr bi al-ma'rūf wa nahī an al-munkar*, which will be discussed in full later on. The concept of forbidding wrong states that individuals have an obligation to the well being of

other members of society. They also have an obligation to help others find their path to God. It is under this principle of forbidding wrong that many paternalistic acts are justified, and it is this principle that regulates relationships between individuals.

I will therefore build upon this understanding of autonomy in Shi'i thought and try to push its boundaries. If anything I will give more weight to the discursive role that autonomy plays within tradition; through the giving and taking of reasons it becomes possible to understand the truth and leads to a greater internalisation of this truth.

The following chapter, however, will deal with one of the hurdles to the discursive role that autonomy plays. The reformist conception of religious experience puts forward an understanding of faith that sees the individual as independent from others. Faith is a direct experience with the divine, and it is through this experience that one comes to understand religion. Although this understanding of religious experience was put forward to curtail the encroachment of the state in the private lives of citizens, it also the unintended consequence of denying the discursive role that is essential to autonomy.

Shabestari and Reformist Conceptions of Autonomy

In a struggle against the paternalistic practices of the state, Iranian reformist intellectuals have put forward an understanding of autonomy that is highly individualistic. For them, traditional institutions that would confer meaning upon the world are no longer valid and in their stead it is the individual that must give meaning to the world. For many reformists, this meaning is given to the world through personal experience.

In this chapter I will examine the existential individualism developed by Muhammad Mojtabeh Shabestari (Shabestari) as a case study. The reason I have selected one author as a case study is because the nature of autonomy is comprehensive and requires a sweeping analysis to show how all the disparate thoughts fit together in a coherent web. As stated early, Shabestari was chosen because there is already a great deal of work done about

Abdolkarim Soroush's thoughts in English, and that his use of hermeneutics offers a better platform for the discussion at hand. Soroush and Shabestari's thoughts do overlap, such as their hermeneutics approaches to Islamic law, their defence of human rights, and their claims to the necessity of religious experience.

Moreover, Shabestari's appropriation of Gadamer's philosophical hermeneutics puts him in a difficult position. Shabestari uses hermeneutics to critique the traditional methods of jurisprudence, while simultaneously putting forward an existentialist understanding of the self that is individualistic. This subjectivism is in tension with Gadamer's understanding of the self as socially and historically embedded. This serves as a superb platform to discuss how contemporary philosophy in the West has moved away from an atomistic conception of autonomy to a socially embedded conception. This will be discussed further in the following chapter.

Biography

Over the past several years Shabestari has become one of the most prominent reformist thinkers in Iran. His religious education, however, began in a much more traditional setting. Shabestari was born in 1936 in Shabstar, a small city in the North of Tehran from which he has gained his surname. Shabestari came to further his studies in Qum in 1951, where he studied for 18 years. It was in Qum in which he was able to reach the level of *ijtihad*, the ability to decipher rulings in Islamic law.¹⁵⁴

There were two thinkers in Qum that left a lasting impression with Shabestari, Allameh Tabātāba'ī (d.1981) and Ayatollah Khomeini.¹⁵⁵ Allameh Tabātāba'ī was a prominent philosopher and commentator of the Qur'an who the now famous *al-Mīzān fī Tafsīr al-Qur'ān*. Shabestari was influenced not only by Tabātāba'ī works in philosophy and quranic exegesis, but also his

¹⁵⁴“Zindigī Nāme. Vib Sāyt-E Shakhsī-E Muḥammad Mujtahid Shabistārī,” accessed July 21, 2015, <http://mohammadmojtahedshabestari.com/biography.php>.

¹⁵⁵ Roman Seidel, “Faith, Freedom, and Reason”, *Qantara.de*, 2004, <http://en.qantara.de/content/portrait-mohammad-shabestari-faith-freedom-and-reason>; Mujtahid Shabistārī, “Dar Just va Jūya Ma'nāya Ma'nāha”, *Vib Sāyt-E Shakhsī-E Muḥammad Mujtahid Shabistārī*, 8 April 2014, <http://mohammadmojtahedshabestari.com/interview.php?id=308>.

spiritual stature.¹⁵⁶ In regards to Khomeini, Shabestari was impressed by Khomeini's endeavour to move past an understanding of religion confined to personal worship and belief to an understanding of Islam that included politics and political philosophy.¹⁵⁷

In 1969, Shabestari, was appointed director of the Islamic Center in Hamburg, Islamisches Zentrum Hamburg, where he became fluent in German and became acquainted with philosophical hermeneutics and the works of German philosophers such as Gadamer over the nine years that he lived in Germany.¹⁵⁸ He returned to Iran during the political turmoils of 1978.¹⁵⁹ Shabestari has been working mainly within the German hermeneutical tradition. The influence of hermeneutics is evident in the title of his magnum opus *Hirminūtik, Kitāb va Sunnat* (Hermeneutics, the Book, and the Sunnah). Yet, hermeneutics only explains one angle of Shabestari's approach to religion. From the German protestant tradition he also borrowed the concept of religious experience, which comes to the fore in his book *Īmān va Āzādī, Faith and Freedom*.

After the establishment of the Islamic Republic the government took it upon itself to proceed with a program for cultural reform with the use of state television, education, and clerical networks.¹⁶⁰ In protest, intellectuals began to call for the allowance of greater autonomy for the individual and for a greater emphasis of rights over values. This is reflective especially in the works of Abdolkarim Soroush, Mohsen Kadivar, and Muhammad Mojtabid Shabestari. Surūsh discusses the relationship between reason and freedom and places them as "primary values."¹⁶¹ He argues that freedom is not only a necessity for reaching truth but is a truth itself.¹⁶² Mohsen Kadivar defines a reciprocal relationship between autonomy and religion. Religion, he argues, helps to safe guard autonomy by ensuring ethical standards. Yet, religion

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Ashk Dahlén, "Deciphering the Meaning of Revealed Law : The Surūshian Paradigm in Shī'i Epistemology" (PhD thesis, Thesis doctoral–Uppsala universitet, 2002), 163.

¹⁵⁹ "Zindigī Nāme. Vīb Sāyt-E Shakhsī-E Muḥammad Mujtahid Shabistārī."

¹⁶⁰ Muḥammad Mujtahid Shabistārī, *Naqdī Bar Qirā'at-E Rasmī Az Dīn : Buḥrānhā, Chālīsh'hā, Rāh-E Ḥal'hā*, Dīn Va Farhang (Tehran: Tarḥ-e Naw, 2011), 17.

¹⁶¹ Abd al-Karīm Surūsh, *Reason, Freedom, and Democracy in Islam : Essential Writings of Abdolkarim Soroush*. (New York: Oxford University Press, 2000) xiv.

¹⁶² Ibid. xiv.

without autonomy will simply wither away.¹⁶³ Shabestari makes one of the clearest ties between faith and autonomy. He argues that faith must be based on autonomy for it to have any sense of authenticity. For Shabestari, autonomy is a prerequisite for religion, and cannot be moderated by it. Any social order that tries to control autonomy is in fact hindering faith.¹⁶⁴

Reformism and the Authoritarian State

Shabestari's understanding of the self is part a reaction to the growing powers of the state. As stated earlier, the Islamic Republic tried to control various aspects of personal life such as music, movies, satellite television, *hijāb*, weddings, and the choice of spouse.¹⁷⁰ While autonomy is modern, so too is state authoritarianism. The levels of control that states, and corporations, have on the lives of individuals are beyond the powers of the pre-modern states. Talal Asad eloquently remarks on this contrast:

A moment's reflection will show that it is not the literal scope of the shari'a which matters here but the degree to which it informs and regulates social practices, and it is clear that there has never been any Muslim society in which the religious law of Islam has governed more than a fragment of social life. If one contrasts this fact with the highly regulated character of social life in modern states, one may immediately see the reason why. The administrative and legal regulations of such secular states are far more pervasive and effective in controlling the details of people's lives than anything to be found in Islamic history. The difference, of course, lies not in the textual specifications of what is vaguely called a social blueprint, but in the reach of institutional powers that constitute, divide up, and govern large stretches of social life according to systematic rules in modern industrial societies, whether capitalist or communist.¹⁷¹

Although state paternalism finds grounds within certain concepts in Islamic thought, especially the concept of forbidding evil, that grounding does not necessitate its presence. Had there been a different history to Islamic modernity we would have found different stances toward state paternalism. The drive for state paternalism has in fact been in reaction to the excess of

¹⁶³ Muḥsin Kadīvar, "Kudām Hūkūmat Dīni Va Kudām Dīn," in *Rabitay-Eh Dīn Va Āzādī* (Tehran: Zikr, 1999), 221.

¹⁶⁴ Muḥammad Mujtahid Shabistārī, *Īmān Va Āzādī*, Dīn Va Farhang (Tehran: Tarḥ-e Naw, 2000), 40–42.

¹⁷⁰ See 24.

¹⁷¹ Talal Asad, *The Idea of an Anthropology of Islam* (Washington: Center For Contemporary Arab Studies, Georgetown University, 1986), 13.

the previous secular regimes. The despotic nature of these regimes tainted the concept of secularism such that it became considered to be a tool of oppression. As Nader Hashemi argues:

Despotism, dictatorship, and human rights abuses, for a generation of Muslims growing up in the postcolonial era, thus came to be associated with secularism. Muslim political activists who experienced oppression at the hands of secular national governments logically concluded that secularism was an ideology of repression.¹⁷²

Amongst a core of these ideas about secularism where ideas about individualism and freedom. These concepts came to be associated in a negative light in terms of alienation and hedonism. State paternalism in turn is defended as being necessary in order to stop a *tahājum-e farhangī*, a cultural invasion. Their reactions are quite similar to American politicians during the McCarthy era, where a fear of foreign influence justified authoritarian means.¹⁷³ Grounded in an understanding of forbidding evil, the state is seen as responsible for promoting Islamic belief and values.

This mix of state paternalism as well as the new found technologies of the state has prompted many reformist Iranian intellectuals to develop an opposing understanding of religion. A corner stone of their rethinking of religion is religious egalitarianism where no single source of authority can define what is and is not Islamic, but it is instead up to the individual to make these distinctions. This egalitarianism in turn resides on individualism.¹⁷⁴

This individualism has been dominating Iranian discourse, such that Islamist and traditionalist authors discuss matters that are central to autonomy predominately to refute the views put forward by reformists. This reformist understanding of individualism has, however, indirectly come under attack from another source. Much of the philosophy that underpins reformist views towards individualism has been critiqued within liberal political philosophy itself. For, as it will be shown, the emerging consensus within liberal political philosophy is that a cornerstone of autonomy is that individuals are socially

¹⁷²Nader Hashemi, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies* (Oxford: Oxford University Press, 2009), 140.

¹⁷³ Ellen Schrecker, *Many Are the Crimes: McCarthyism in America* (Princeton: Princeton University Press, 1998); Richard M. Fried, *Nightmare in Red: The McCarthy Era in Perspective* (New York: Oxford University Press, 1991)

¹⁷⁴ Foody, "Interiorizing Islam"

and historically embedded.¹⁷⁶ The image of the unhindered individual that starts from a world without meaning and begins to create her own understanding of religion finds no partners within this new paradigm. The paradigm instead emphasizes how we are already grounded within a world full of meaning and history and that it is within this backdrop that we begin to create our sense of self. Our autonomy is made possible by this very community and its history.

Epistemic Egalitarianism as a Social Movement

Thus if both Islamists and reformists agree that change in Islamic law is a necessity, then what is that differentiates the two? One difference is the way that both groups want the change to occur. Reformists try to push Islamic thought towards understanding of believers that views them as equal, such that it provides a foundation for further liberal arguments, such as the incorporation of Human Rights. As we will see below, Shabestari establishes this egalitarianism through a rethinking of faith and religious experience. He argues that one gains faith and knowledge of Islam through a direct experience with the divine. The concept of religious experience provides the justification for the egalitarianism that would in turn justify liberalism.

Part of the way that Shabestari defends his stance is through description. He describes how faith is gained. This is similar to other reformists who generally begin by describing the status of the individual as they actually are in the modern world.¹⁷⁷ They spend a great deal of time describing the differences between the modern and pre-modern worlds, the changes that modernity brought about, and how individuals live today. This descriptive analysis, does however, lead to prescriptive ordinances that are based on this descriptive analysis. As Lorraine Code argues in her feminist critique of autonomy, she writes that:

Autonomy-oriented theories rest on a cluster of assumptions about subjectivity that are as much prescriptive as descriptive. A descriptive premise, which casts human beings as creatures capable of sustaining self-sufficient existence, acquires prescriptive dimensions

¹⁷⁶ See 105

¹⁷⁷ C.f. 'Abd al-Karīm Surūsh, *Širāthāye Mustaqīm* (Tehran: Intishirāt-i Širāt, 2008); Muḥsin Kadīvar, *Sharī'at va Sīyasat*, 2008, <http://kadivar.com/wp-content/uploads/2009/04/س.ی.اس.ت.و-شریعت.pdf>.

in attendant assumption that the *telos* of a life is the realization of self-sufficiency and individuality.¹⁷⁸

Shabestari tries to deny any specific claim to knowledge by religious experts and put forward an approach that gives every individual equal access to religious knowledge. This access is usually presented under the rubric of religious experience. This ability to individually create meaning means that each individual is solely responsible for the creation of their own understanding of religion. If each person individual is personally responsible, then the state, or religious authority, should not interfere in this process. The creation of meaning is based on individual experience without the coercion of outside forces. It is this epistemic egalitarianism stance towards personal interpretation that differentiates the reformists from the traditional understanding of *ijtihād*.

Arguably, this description is motivated by the prescription. That because we have a political desire to limit the role of the state in the lives of individuals we therefore ascribe to this description of the self. Alvin Goldman makes a similar remark to post-modernist critiques of epistemic privilege: "The postmodern rejection of epistemic privilege is not wholly rooted in displeasure with Cartesian epistemology. Much of it has a political cast. The language of 'privilege' is the language of rank and honor, especially unearned rank and honor, which has a nasty anti-egalitarian odor."¹⁷⁹ This criticism is, however, well founded. There is an intrinsic relationship between epistemic privilege and social power, specifically when it comes to notions of credibility. We can deny credibility to certain individuals because of non-epistemic reasons. The social processes of the creation and transfer of knowledge can be used to unjustly exclude certain groups, themes that have been pursued further by the likes of Foucault and Bourdieu.¹⁸⁰ Although the reformists, including

¹⁷⁸Code, *What Can She Know?*, 80.

¹⁷⁹Alvin I. Goldman, *Knowledge in a Social World* (Oxford; New York: OUP Oxford, 1999).

¹⁸⁰ Michel Foucault, *Archaeology of Knowledge*, trans. Alan Sheridan (London: Routledge, 2002); Pierre Bourdieu, *Pascalian Meditations*, trans. Richard Nice (Cambridge: Polity Press, 2000).

Shabestari, are not explicit about the relationship between credibility and power.

This concern with the political is not a criticism of their efforts but an attempt to understand how reformists try to reconcile their prescriptions and their descriptions. Although, one cannot deny that the popularity of this line of thinking is based more on its prescriptive conclusions than its descriptive merits. As Asef Bayat argues,

Yet the significance of these ideas in the Iranian context lay not in their originality but in their popular appeal under a self-conscious Islamic state. Not only did these views shake up the conceptual foundation of the traditional clergy and theological seminaries, forcing them to rethink their perspectives; their convergence with the people's political grievances rendered them a social force.¹⁸¹

The social currents within Iran at the time had more to do to popularising reformist thought than the actual contents of their works. Bayat shows how reformist ideas resonated with people's political grievances by focusing on rights, democracy, and pluralism, and how their ideas were spread through journals, periodicals, and lectures.¹⁸² This is not unique to reformist thinkers, for social forces in general play a great role in not only popularising but also influencing thought. We would not be discussing the equal application of the concept of autonomy to everyone, rather than white property owning males as intended in the beginning of the Enlightenment, had it not been for various social movements that have tried to seek equality. I will discuss this topic further in a final chapter.

Shabestari's Hermeneutics

Shabestari has a clear goal in his magnum opus *Hirminūtīk, Kitāb va Sunnat*, first printed in 1996. The very first words in his introduction read: "The subject of this book is that the exegetes of the Islamic revelation have always conducted their exegeses of the Qur'an and *sunnah* based on their own pre-understandings, interests, and expectations."¹⁸³ He laments the academic

¹⁸¹Asef Bayat, *Making Islam Democratic: Social Movements and the Post-Islamist Turn* (Stanford University Press, 2007), 92.

¹⁸²Ibid., 49-105.

¹⁸³Muhammad Mujtahid Shabestari, *Hirminūtīk, Kitāb Va Sunnat: Farāyand-E Tafsīr-E Vahy* (Tehran: Tarḥ-e Naw, 2005), 7.

establishments because “this idea is still prevalent that that it is possible, or that it is even necessary, that one must approach the exegeses of the Qur’an and *sunnah* with a mind clear of all pre-understandings, interests, and expectations.”¹⁸⁴

He argues that this approach to exegesis has meant that the pre-understanding that influence exegesis have been ignored. Scholars have wrongly assumed that only certain types of knowledge, such as language and *uṣūl al-fiqh*, are important to exegesis and that the other types of knowledge play no role. Moreover, scholars have wrongly assumed that Islamic law as revealed during the time of the Prophet and the Imams are not historically bound and are applicable to all times.¹⁸⁵ Ignoring these other sciences has had a detrimental affect on interpretation. In this book he is setting out to correct this outlook through the use of hermeneutics.¹⁸⁶

Shabestari uses hermeneutics in order to state that there are a series of pre-understandings that ground our interpretations, and that a correct interpretation is done not by ignoring these pre-understandings but rather by purifying these pre-understandings. Shabestari defines hermeneutics in a very narrow sense by stating that hermeneutics is “the grounding of interpretation in the pre-understandings, interests, and expectations of the interpreter.”¹⁸⁷ He then states that the goal of the book is to have them purify, rather than ignore, these prejudices:

Thus, we want to draw the attention of religious scholars to this extremely important issue that a thorough purifying of prejudices, intentions, and expectations of the exegetes (*mufasirān*) and jurists (*faqīhān*), from all ages, is a fundamental condition of every acceptable interpretation, and the perfection of religious knowledge is not possible without this revision and purification.¹⁸⁸

Shabestari agrees with the concept of the hermeneutic circle. There are a series of pre-understandings that one has before one starts reading the text. These pre-understandings are what makes interpretation possible. It is through the engagement with the text that these pre-understandings can

¹⁸⁴Ibid., 7.

¹⁸⁵ Ibid., 48-55.

¹⁸⁶ Ibid., 7-8.

¹⁸⁷ Ibid., 8.

¹⁸⁸ Ibid., 9.

come to be clarified.¹⁸⁹ This of course is a reflection of Heidegger's recasting of the hermeneutic circle. An idea that was further developed by Gadamer. Before Heidegger, the hermeneutic circle consisted of an interpretative interdependence: one's understanding of the whole text consisted of understanding the parts, and the understanding of the parts consisted of understanding the whole.¹⁹⁰

However, there is a fundamental difference between Shabestari's understanding of the hermeneutic circle from the Heideggerian understanding. For Heidegger, and following him Gadamer, this pre-understanding consists of being in the world.¹⁹¹ That we are already embedded in a particular social-historical situation that makes understanding possible. Shabestari does not present these pre-judgments in this manner, as is evident from his examples. The pre-judgments for Shabestari consist of known facts. It is more about knowledge than being situated in the world. Thus his examples of a traveler trying to travel from Tehran to Shiraz deals with how this traveler knows what he wants to but is ignorant of the means of transportation. His more lengthy example about an academic author that is trying to write a book is along the same lines. His example begins by highlighting the fact that the author begins his journey by referencing an encyclopedia, or going to the library, and is able to understand the subject through a dialogue with various authors. Shabestari does not touch any concepts that would be reflective of Heidegger's understanding of being in the world.¹⁹² Ultimately, Shabestari's example of the author falls back to the older understanding of the hermeneutic circle. He states that the understanding of a whole text is possible through the understanding of its parts and vice versa.¹⁹³ It is already possible to see where Shabestari and Gadamer differ.

Shabestari states that the process that a *faqīh* is required to purify, or correct, his prejudices is through the use of the modern social sciences. The *faqīh* needs to understand that the way the modern individual lives is different

¹⁸⁹Ibid., 17.

¹⁹⁰Jeff Malpas, "Hans-Georg Gadamer," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2014, <http://plato.stanford.edu/archives/fall2014/entries/gadamer/>.

¹⁹¹Ibid.

¹⁹²Mujtahid Shabestari, *Hirminūtik, Kitāb Va Sunnat*, 18–19.

¹⁹³Ibid., 21.

from the past. Thus when the *faqīh* understands the new context in which the modern individual lives, his rulings will also change to support this new context.

Without a doubt, an academic method requires that contemporary jurists (*fuqahā*) must renew their foundations and fundamentals of *ijtihād* when it comes to these issues. Issues and topics related to this *ijtihād* are related to types of knowledge outside of *fiqh* and *uṣūl*. These subjects require anthropology (both philosophical and social science), sociology, history, economics, politics, psychology, and similar fields of study.¹⁹⁴

Shabestari argues that the problems that the Islamic Republic of Iran is facing in terms of applying traditional Islamic law to a modern context can only be overcome when “new ideas about the changes to religious culture are accepted, and they become a part of the pre-understandings of jurists.”¹⁹⁵ Thus the understanding of concepts such expediency, *maṣlaḥat*, and necessity, *ḍarurat*, can only be answered if jurists approach *fiqh* through the use of social science methods.¹⁹⁶

Modernity and Choice

One of the ways in which Shabestari describes the shift from the pre-modern to the modern world is through the understanding of choice. This concept of choice plays a much more prominent thought in his later works, especially the *Ta’amulatī dar Qirā’at-e Rasmī az Dīn*. Farzin Vahdat is correct in stating that in *Īmān va Āzādī* Shabestari “rarely makes any explicit references to the individual as the carrier of modern subjectivity.”¹⁹⁷ However, Shabestari wrote *Ta’amulatī dar Qirā’at-e Rasmī az Dīn* in 2004, four years after Vahdat’s article was published. It is in this book that Shabestari clarifies his positions on subjectivity.

Shabestari argues that the modern subject has a greater variety of choices compared to the pre-modern subject. “The modern age has widened the range of choices available to an individual. Choice has replaced

¹⁹⁴Ibid., 50.

¹⁹⁵Ibid., 53.

¹⁹⁶Ibid., 53.

¹⁹⁷Farzin Vahdat, “Post-revolutionary Discourses of Mohammad Mojtahed Shabestari and Mohsen Kadivar: Reconciling the Terms of Mediated Subjectivity,” *Critique: Critical Middle Eastern Studies* 9, no. 16 (March 1, 2000): 47, doi:[10.1080/10669920008720158](https://doi.org/10.1080/10669920008720158).

predestination and destiny.”¹⁹⁸ He is clear in that the concept of choice is the defining attribute of modernity that differentiates it from the pre-modern world.

This might be the greatest difference between a modern and a pre-modern society. In a pre-modern society one would live thinking about destiny, but in a modern society one is continuously illuminating the ground in front of him and takes one step forward.¹⁹⁹

Although choice is not necessarily synonymous with autonomy, it does convey at least some of what is understood by autonomy. It conveys a sense of rationality, free-will, and an independence from others. The modern subject can choose her own life goals and projects.

Many other existentialist philosophers also discussed this modern concept of choice.²⁰⁰ As Sartre argues in *Being and Nothingness*: “All these trivial passive expectations of the real, all these commonplace, everyday values, derive their meaning from an original projection of myself which stands as my choice of myself in the world.”²⁰¹ Although choice for these philosophers, and for Shabestari as well, has more to do with authenticity than it does with autonomy specifically. By authentic I mean being ones true self.²⁰² It is, however, difficult to understand how one can be existentially authentic without having autonomy.

Thus if modernity is the bastion of choice, the pre-modern world should be the opposite. It is here that Shabestari describes the pre-modern world as being embedded in *taklīf*, duties or obligation. Since religion originally began in such a climate, it should be reflective of that very atmosphere. In terms of politics, for example, he states that political views would merely be an expression of their religious views, given the dominant paradigm was of duties and obligation.

¹⁹⁸ Muḥammad Mujtahid Shabistārī, *Ta’amulatī Dar Qirā’at-E Rasmī Az Dīn* (Tehran: Tarḥ-e Naw, 2005), 62.

¹⁹⁹ *Ibid.*, 67.

²⁰⁰ Steven Crowell, “Existentialism,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2015, <http://plato.stanford.edu/archives/spr2015/entries/existentialism/>.

²⁰¹ Jean-Paul Sartre, *Being and Nothingness: An Essay on Phenomenological Ontology* (London: Routledge, 2005), 39.

²⁰² Charles B. Guignon, *On Being Authentic* (New York: Routledge, 2004); Somogy Varga and Charles Guignon, ‘Authenticity’, in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2016, <http://plato.stanford.edu/archives/sum2016/entries/authenticity/>.

In the past, if one spoke about duties and obligations in politics these duties would have relayed the message of religion, for people were not choosers (*intikhābgar*). In reality their only duty was to obey their religious obligations in politics.²⁰³

Shabestari argues that not only has modernity brought about the more choice, it has also destroyed the authoritative structure that would mandate a particular choice. He states that modernity is constantly bringing the external world under question.²⁰⁴ The modern individual is journeying in uncharted territory, for “the natural order that designed political, social, and family order, as well as values, is no longer conceivable.”²⁰⁵ This creates an unstable circumstance for the individual, and the only way out of this turmoil is through choice.

In such circumstances all the authorities that one would rely on have crumbled. When the world external to the individual becomes uncertain, all types of authority crumble...In these circumstances the individual, in all matters, must choose. One must rely on one’s own knowledge and experience.²⁰⁶

Religion can give comfort to the individual by helping to regain some of life’s lost meaning. He writes that “the message of religion in our age can help giving meaning to one’s relationship with God.”²⁰⁷ Religion has lost its authoritative role in defining how people should live their lives. It’s new role is one in which it gives meaning to the choices that individuals make.

Ultimately, Shabestari believes that modernity has brought about a dramatic change to our social lives. We live in turmoil and must find our way out by making difficult choices. The reason that we live in this turmoil is because modernity has destroyed the authoritative structures that we used to rely upon.

Yet, how is one to make these choices in matters of religion? The paradigm that Shabestari has put forward is one that relies in religious experience. It should not be surprising given that the concept of religious experience echoes quite well the existential outlook we have described

²⁰³Mujtahid Shabistari, *Ta’amulātī Dar Qirā’at-E Rasmī Az Dīn*, 72.

²⁰⁴*Ibid.*, 32.

²⁰⁵*Ibid.*, 67.

²⁰⁶*Ibid.*, 33–34.

²⁰⁷*Ibid.*, 67.

above. It is this direct experience with the divine that enables us to choose the path that we want to live.

Establishing Religious Experience

Shabestari builds his conception of faith upon his existentialist views of the human self. Similar to other religious existentialists he values personal experience above rational reasoning and religious dogma.²⁰⁸ The majority of his discussions of faith are found in *Īmān va Āzādī*, although he elaborates on his theories in his later works. He initially begins his discussion on faith by trying to reconceptualize it as a human endeavor. He reinterprets traditional approaches to faith, and offers a new paradigm based on religious experience.

Shabestari understands religion in general to be a human construct to the extent that in his most recent writings he argues that God did not intend to bring forth a set concrete religion *dīn*.²⁰⁹ This hermeneutical/existential paradigm initially began as a critique of contemporary *ijtihād*. The incorporation of *fiqh* into the state, and subsequent changes to that were required to *fiqh* in this process as well as the growth of the concept of expediency (*maslahat*) were motivations for Shabestari to try and rethink the entire process of *ijtihād*. He argued that *ijtihād* was in need of a new hermeneutics, one that would rethink current prejudices are reground them in modern social sciences.

His redefinition of faith necessitates a greater autonomy. Shabestari rejects the notion that faith is simply an acceptance of a creed²¹⁰ and instead constructs an existentialist conception of faith that would necessitate free-will and personal autonomy. He considers faith to be an “action,” in a sense an attraction where one loses one’s sense of self and instead becomes one with

²⁰⁸ C.f. Kierkegaard’s notion of subjective truth, and Tillich’s understanding of faith as ultimate concern, see Søren Kierkegaard, ed., *Concluding Unscientific Postscript*, trans. Alastair Hannay, Cambridge texts in the history of philosophy (Leiden: Cambridge University Press, 2009); Paul Tillich, *Dynamics of Faith* (New York: Harper & Row, 1958).

²⁰⁹ Muḥammad Mujtahid Shabistārī, “Āyā Khodāvand Dīn Nāzil Kardeh Ast? Vib Sāyt-E Shakhstī-E Muḥammad Mujtahid Shabistārī,” July 28, 2014, <http://mohammadmojtahedshabestari.com/articles.php?id=361&title=ای%20خداوند%20دین%20نازل%20کرده%20است>.

²¹⁰ Mujtahid Shabistārī, *Īmān Va Āzādī*, 35.

God.²¹¹ Thus faith cannot be something learned but it must be something experienced. Faith as experience, cannot therefore come about via an external agent such as society or the state.

Similar to some trends in Christian theology, Shabestari is striving to move from faith as a rational understanding of doctrine to a conceptualisation of faith as religious experience. In short, Shabestari wants to move from an Aristotelian framework to a framework based on religious experience.²¹² In *Naqdī bar Qirā'at-e Rasmī az Dīn, A Criticism of the Official Reading of Religion*, Shabestari includes an interview that was conducted for the popular magazine *Kiyān*. He states that:

The dominate epistemic framework amongst the Jews, Christians, Muslims was based on an Aristotelian model, and thus they would approach these [religious] issues based on that model. If we decide to accept a different epistemic framework, such as the one based on religious experience, then we have to use this paradigm to understand revelation and see all religious issues through this paradigm.²¹³

The citations in *Īmān va Āzādī* make it clear that Shabestari is influenced in particular by the great German theologians whether they be neo-orthodox protestant thinkers such as Karl Barth and Emil Brunner, or liberal protestant thinkers such as Paul Tillich.²¹⁴ The idea of faith as religious experience was originated by the influential Schleiermacher and his theories about faith and hermeneutics have had an substantial impact on Shabestari's thought.

Schleiermacher was developing his new conception of faith in an environment hostile to religion. The Enlightenment had brought with it certain core principles of reason, progress, and autonomy that had a fundamental effect on Christian theology.²¹⁵ Some Enlightenment thinkers tried to adopt Christian theology to these new principles which spawned the creation of Deism. These thinkers considered traditional Christian theology to be a

²¹¹ Ibid., 35.

²¹² "Qirā'at-e Dīn-ī Mujtahid Shabestari Va Rābitay-e Ān Ba Ārā-e Sīyāsī Vay," n.d., <http://mojtahedshabestari.blogfa.com/post-27.aspx>.

²¹³ Mujtahid Shabestari, *Naqdī bar Qirā'at-e Rasmī az Dīn*, 205–6.

²¹⁴ Mujtahid Shabestari, *Īmān Va Āzādī*, 37.

²¹⁵ Paul Tillich, *A History of Christian Thought : From Its Judaic and Hellenistic Origins to Existentialism*, ed. Carl E. Braaten (New York: Simon; Schuster, 1968), 320–41; Stanley J. Grenz and Roger E. Olson, *20th Century Theology : God and the World in a Transitional Age* (Exeter: Paternoster Press, 1992), 21–24.

corruption of reason. Towards the end of the Enlightenment there seemed to be only two basic options to choose. The orthodox scriptural understanding of the Church or skeptical rationalism. Some critical thinkers refused to submit either of these two options and ventured to carve out new terrain for religion. Kant found religion in morality, Hegel found it in intellectual idealism and Schleiermacher found it in human experience.²¹⁶

Experience as an attractive encounter with God

In *Īmān va Āzādī*, Shabestari's strives to discuss the relationship between freedom and faith. He begins by describing faith, and the different definitions of faith that have been given. He describes three understandings of faith, and it is the third type in which we will focus on.²¹⁷ The reason being that it is a rethinking of the definition of faith, and it is a new alternative that he is putting forward for Shi'i thought. It is an existentialist understanding of faith that is tied in closely with the concept of choice.

The third type of faith that Shabestari begins to describe is "an attractive encounter with God" (*rūyārūī ma'jzūbāneh bā khodāvand*). As it is evidenced in the footnote at the end of the chapter, this conception of faith is influenced by the Sufi understanding of "encountering God" (*liqā' allāh*) and the theories of faith of Paul Tillich, Karl Rahner, and Emil Brunner.²¹⁸

Shabestari describes faith as being a type of action. The core of this action is being attracted to God in such a way that one loses one's finiteness. He describes the encounter as such:

Faith in this discussion that I will present, is not belief; such as belief that this world has a God. Faith is not certainty (*yaqīn*). Faith is neither knowledge nor philosophy. So what is faith? Faith is an "action." The substance and core of this action is that by being attracted towards God one loses his finiteness in front of God, in order to reach one's real self, the self that is supposed to be. Faith is related to qualities like 'trust,' 'love,' the 'feeling of safety,' and 'hope.' It is an attractive encounter between man and God. In faith, two people, one which is finite and the other absolute, come into encounter.²¹⁹

²¹⁶Grenz and Olson, *20th Century Theology*, 25; 43.

²¹⁷ The other two types of faith are faith as experiencing the absolute essence, and faith as experiencing the word of God, see Shabestari, *Īmān Va Āzādī*, 23-32.

²¹⁸Mujtahid Shabestari, *Īmān Va Āzādī*, 37.

²¹⁹Ibid., 37.

He continues to describe this experience as being similar to when a baby hugs his or her mother, and how they lose all sense of self and completely puts their trust in their mother. This is what faith is and the rest is just pretense. For Shabestari faith is not about knowledge nor is it about belief. It is about an experience. He begins to cite certain verses of the Qur'an to demonstrate this concept of faith, and concludes:

The Qur'an does not say that the faithful are those who believe that the universe has a God. Even the word belief (*`aqīdeh*) is not to be found in the Qur'an. When you analyze at the state of the faithful in the Qur'an you will come across certain states of being. For example, the faithful are the ones who cry when they see the truth. They are ones who see the signs of God in this universe. They are the one's that the Qur'an cures their pains. They are the one's whose hearts are at ease with the remembrance of God. A faithful person is one who comes out of himself to live with God.²²⁰

He reiterates this position in his later book *Ta'amulātī Dar Qirā'at Insānī az Dīn*. In an interview that has been republished as a chapter in the book Shabestari makes the relationship between faith and existentialism even clearer. He is forthright in stating that the concept of faith in the Qur'an is existential.

When we search the Qur'an to discover the reality of faith, you deal with a series of existential concepts. The Qur'an speaks about a type of experience: believers are those who look at the heavens and earth and experience that God has not created this in vain; they are people who were brought to tears by the words of the Prophet. In essence, these verses want to describe the signs of faith, and they are describing an experience.²²¹

Shabestari's incorporation of autonomy into religion had ramifications beyond faith. Shabestari's theology also influences his political philosophy and brings him head to head with the context that has been shaping his work. It has been through Shabestari's work on autonomy, and the necessity of autonomy in fostering faith, that has led him to reject the notion of "official" religion and instead propose a political philosophy based on justice and the UN Declaration of Human Rights.

He is quite clear about this relationship between faith and politics in *Īmān va Āzādī*. He writes that if faith is such as he has described above, then

²²⁰Ibid., 37.

²²¹Mujtahid Shabestari, *Ta'amulātī Dar Qirā'at-E Rasmī Az Dīn*, 105.

it is not possible to have faith in just any type of political system.²²² He writes that this type of faith rejects *taqlīd*, and is only made possible with *intikhāb*, choice. Faith is not a question about doubt and certainty it is a question of choice. Faith and *taqlīd* are opposites.²²³ Thus any political system that takes away the ability to choose is harming faith.

In the later editions of *Īmān va Āzādī*, Shabestari added an interview about the book as a final chapter.²²⁴ In that interview, he defines his intentions about the book much more clearly. He states that the reason he wrote the book was to refute those who say that it is possible to attain faith without providing the basic rights for freedom of conscience. He wrote the book to prove that faith, as it is understood in the Abrahamic religions, is dependent on freedom of conscience.²²⁵

In addition, he argues that it is not possible to bring about faith in society through some type of social engineering, or as he calls it the “technology of creating and guiding faith.”²²⁶ Faith is “a type of experience and living that one chooses.”²²⁷ It cannot be engineered from above.

From the Abyss to Faith

Shabestari moves past traditional understanding of faith and is instead trying to develop a humanistic understanding of religion. He sees religion as primarily being the domain of the human, due to the fact that humans are the ones striving towards God. This is in contrast to Islamist and traditional scholars who would begin the study of religion with the study of God. Mohammad-Taqi Mesbah-Yazdi (b. 1932), a prominent Islamist philosopher and member of the Council of Experts, at the beginning of his book *Ma’āref Qur’ān* (Qur’ānic Studies) debates whether he should begin his work with a discussion of God or humanity. He chooses to begin with God because he

²²²Mujtahid Shabistari, *Īmān Va Āzādī*, 40.

²²³Ibid., 40.

²²⁴ Ibid., 175-195.

²²⁵ Ibid., 176.

²²⁶ Ibid., 176.

²²⁷ Ibid., 176.

believes that is more in line with the teachings of the Qur'ān.²²⁸ Shabestari argues instead that the understanding of religion should begin with the human.

Religion belongs to humans, not God. Humans need religion, not God...When I talk about "a humanist reading of religion" I mean religion and religiousness as a human understands it according to his own humanity.²²⁹

The opposite of this, is a reading of religion that is not humanistic. It is an understanding of religion that is against humanity. This means that humanity must forget its own social historical progress and only adhere to commandants that have been ordained from above.

Shabestari develops his understanding of religion and faith on the premise that it is the individual that builds its own "self." Thus the individual is morally and personally autonomous and discovers and experiences faith. Faith is therefore an individualistic endeavour and not one which can be brought about through institutions or creeds. Faith, as religious experience comes before theology and dogma. It is through our religious experience that we develop our rational understanding of religion.

Although Shabestari is trying to argue for the freedom of conscience his description of experience and faith truly goes beyond that. His description of faith is such that the individual finds himself in an abyss. Modernity has destroyed the structures that would confer meaning to her life, and give authority to the understanding of religion. The only way out of this abyss is through making choices.

For the modern individual religion as a certain form is no longer an issue. Today, the modern individual is an individual that is thrown into an infinite plane in which he must find himself. He must live with his own responsibilities and decide how he wants to live - just as the existentialists have discussed.²³⁰

²²⁸Miṣbāḥ Yazdī Muḥammad Taqī, *Ma'āref Qur'ān: Khodā Shinānsī, Kayhān Shenāsī, Insān Shenāsī* (Qum: Mu'asaseh Āmūzeshī va Pajhuheshī Īmām Khumaynī, 2001), 10–14.

²²⁹Mujtahid Shabistari, *Ta'amulati Dar Qir'at-E Rasmī Az Dīn*, 82.

²³⁰*Ibid.*, 33.

Gadamer vs Shabestari

It is interesting that Shabestari calls his approach hermeneutical when it runs against so much of Gadamer's core beliefs. Shabestari is clearing putting forward an understanding of hermeneutics that differs from Gadamer, but unfortunately does not engage with Gadamer in any serious manner. Shabestari puts forward an approach that is grounded in subjectivism, and abjures authority and tradition. Gadamer, on the other hand, developed an approach "that rejects subjectivism and relativism, abjures any simple notion of interpretive method, and grounds understanding in the linguistically mediated happening of tradition."²³¹ In actuality, Shabestari appropriates all the values of the Enlightenment which Gadamer was criticising.

Shabestari begins by stating that it is necessary to clear our prejudices so that we can correctly understand the text. Shi'i *fiqh* must re-examine its prejudices, as discussed earlier, before trying to understand the Qur'an and tradition literature. Gadamer instead believes that is because of prejudices that understanding is made possible.

Prejudices are not necessarily unjustified and erroneous, so that they inevitably distort the truth. In fact, the historicity of our existence entails that prejudices, in the literal sense of the word [pre-judgment], constitute the initial directedness of our whole ability to experience. Prejudices are our biases of our openness to the world. They are simply the conditions whereby we experience something—whereby what we encounter says something to us. This formulation certainly does not mean that we are enclosed within a wall of prejudices and only let through the narrow portals those things that can produce a pass saying, 'Nothing new will be said here.'²³²

Moreover, Gadamer states that it is not possible to correct our prejudices before we begin the process of hermeneutics. Instead, prejudices are cleared through the practical effort of understanding.

Shabestari believes that authority has crumbled and that now one "must rely on one's own knowledge and experience."²³³ Gadamer argues that neither has authority crumbled nor is it possible to simply rely on one's own subjective knowledge and experience. Gadamer argues that the claim to

²³¹ Malpas, "Hans-Georg Gadamer."

²³² Hans-Georg Gadamer, *Truth and Method* (London: Continuum, 2004), 9.

²³³ Mujtahid Shabistari, *Ta'amulatī Dar Qirā'at-E Rasmī Az Dīn*, 32–33.

authority is a claim to knowledge. Authority is earned through the acknowledgment that certain individuals have gained a superior level of judgment and knowledge to one's own. Gadamer's statement about authority is similar to the arguments made for the necessity of *taqlīd* within Shi'i *fiqh*. It is an argument from expertise. Gadamer argues that

the authority of persons is ultimately based not on the subjection and abdication of reason but on an act of acknowledgment and knowledge—the knowledge, namely, that the other is superior to oneself in judgment and insight and that for this reason his judgment takes precedence—i.e., it has priority over one's own.²³⁴

In regards to subjectivism, Gadamer writes that such an epistemic approach is not feasible for we are all already bound within a social and historical context. He states these claims to subjectivism are similar to looking at a distorted mirror:

In fact history does not belong to us; we belong to it. Long before we understand ourselves through the process of self-examination, we understand ourselves in a self-evident way in the family, society, and state in which we live. The focus of subjectivity is a distorting mirror. The self-awareness of the individual is only a flickering in the closed circuits of historical life. That is why the prejudices of the individual, far more than his judgments, constitute the historical reality of his being.²³⁵

Far from proposing the destruction of authority and the reliance on subjective experience, Gadamer argues that morality is best grounded in tradition. He considers classical moral philosophy superior to Enlightenment philosophy because of this reliance on tradition:

The real force of morals, for example, is based on tradition. They are freely taken over but by no means created by a free insight or grounded on reasons. This is precisely what we call tradition: the ground of their validity. And in fact it is to romanticism that we owe this correction of the Enlightenment: that tradition has a justification that lies beyond rational grounding and in large measure determines our institutions and attitudes. What makes classical ethics superior to modern moral philosophy is that it grounds the transition from ethics to "politics," the art of right legislation, on the indispensability of tradition. By comparison, the modern Enlightenment is abstract and revolutionary.²³⁶

²³⁴Gadamer, *Truth and Method*, 281.

²³⁵*Ibid.*, 278.

²³⁶*Ibid.*, 282.

Gadamer is generally criticized for being too conservative, and giving too much weight to tradition. His positive interpretation of authority and tradition has been critiqued by many including a lengthy series of debates with Habermas. Habermas argued that “Gadamer’s prejudice for the rights of prejudices certified by tradition denies the power of reflection.”²³⁷ Gadamer replied by stating that the type of ideal that Habermas was aiming for was merely an illusion and that it over estimates the capabilities of rational discourse. Nonetheless, none of this conservatism can be found in Shabestari’s hermeneutics.

Shabestari puts forward an atomistic understanding of autonomy that is at odds with the very sources that inspired his philosophy. While this is itself not a critique, Shabestari must at least address this conflict and argue why he only appropriates certain conceptions from the hermeneutic tradition while rejecting others. Especially given that he labels his approach as hermeneutical. Shabestari’s particular appropriation of hermeneutics has dominated Iranian discourse and his version of hermeneutics was considered as a call for individualism and relativism.

Nonetheless, this all calls for a new dialogue within Shi’ism in regards to autonomy. A dialogue that moves past atomism and into the socially embedded self. For even within liberalism, arguably where atomistic conceptions of autonomy are most at home, has moved passed individualism and towards a socially embedded understanding of autonomy. In regards to autonomy, they are more aligned with Gadamer then they are with Shabestari. In the next chapter, I will show even within liberalism the concept of a socially embedded autonomy has gained prominence.

Rethinking Choice and Embeddedness

There are several themes from Shabestari’s discussions that will become central to the discussion about autonomy and choice, the most important of which is experience. There are two ways to in which experience will be used in later chapters.

²³⁷Gayle L. Ormiston and Alan D. Schrift, *The Hermeneutic Tradition: From Ast to Ricoeur* (SUNY Press, 1990), 237.

In one sense experience is about our practical encounter with the world. This is the sense in which Shabestari mostly uses the term experience. Although I argued that Shabestari's conception of autonomy is individualistic, and that it places too much emphasis on subjective experience, the importance that he gives to phenomenology of experience itself is important. Although I disagree with the existentialist notion that he is trying to describe, there is truth to the argument that choice is important for the development of identity. It will become central to the discussion of choice in the framework of SDT. SDT argues that the internalization of belief is a proactive action that requires one to situate an external belief among that other beliefs that one holds. Choice is important because it develops the notion that one is forming their identity themselves, and thus boosts motivation.

The second important understanding of experience is how it relates to knowledge. Shabestari is clear that he is not trying to focus on knowledge and belief, but still his focus on the importance of experience helps to give a renewed focus to the epistemic gains of subjective experience. It is in a way an unintended consequence. It is similar to how the contribution of the phenomenological approach in philosophy has been "the manner in which it has steadfastly protected the subjective view of experience as a necessary part of any full understanding of the nature of knowledge"²³⁸ There is a level of knowledge gained from subjective experience that is not gained through theoretical approaches. In later chapters I will discuss this under the rubric of expertise.

Just as importantly, however, is the concept that knowledge is also an interpretation. That the perspective from which we view the world will taint our understanding of the world. The reformists mostly use this to discredit our understanding of the world, yet I would agree with Gadamer that it is because of these viewpoints that any understanding of the world is possible. Hence Gadamer's reliance of tradition, which is also echoed by MacIntyre and Talal Asad. Yet this understanding of knowledge as interpretation, plays an important part in the internalization of religion. As will be discussed in the chapter regarding SDT, subjective experience of internalization will affect the

²³⁸ Dermot Moran, *Introduction to Phenomenology* (London: Routledge, 2000), 21.

degree of internalization. Thus, if an individual sees an action as controlling this will hinder the process of internalization.

Before I discuss SDT, however, it is important to explore the concept of the embedded self. The next chapter will discuss how this understanding of autonomy as being socially and historically embedded has gained predominance in both moral and political philosophy. It will be a basis on which the arguments in SDT will be built upon.

A Social Self

Within liberalism, there has been a shift from an atomistic to a social-historical model of the self. The concept of autonomy, and individualism, takes a different turn after the communitarian critiques. I shall begin by describing this shift. This will be done by showing how communitarian critiques, partially in response to Rawls' revival of political philosophy, were influential in forming this new landscape. In conclusion, a model of the self will be presented that is socially embedded and will incorporate notions of the public sphere.

The various critiques about the self, especially the perception of an individualistic understanding of the self within liberalism, has brought about a shift in perspectives. There is now a broad consensus that the self and autonomy is one way or another a social self. As John Christman has noted:

In fact, one could say that an uneasy consensus has developed in opposition to the assumption of a thoroughly individualistic conception of the person (as the subject of principles of justice), a conception where no reference is made to relations with other persons, traditions, historical practices, and social forms. The political self is, in some ways at least, a social self, marked in various ways by indicators of a social identity, however this is conceived.²³⁹

In a previous chapter, in regards to the definition of autonomy, I relied heavily on feminist understandings of relational autonomy.²⁴⁰ That notion of relational autonomy shares much the other theories that will be discussed in this chapter. I had already mentioned the parallels between relational autonomy and communitarian conceptions of the self. I will not be analyzing

²³⁹ John Philip Christman, *The Politics of Persons: Individual Autonomy and Socio-Historical Selves* (Cambridge: Cambridge University Press, 2009), 2.

²⁴⁰ See 56.

those theories again in this section, because I feel that have already adequately covered their theories.

What I hope to accomplish in this chapter is to tell a story about a shift in liberal philosophy that supports the concept of a social self. Although I think there is much to be gained by feminist critiques of autonomy, it is unfortunate that the majority of works in political philosophy do not reference them. As it will be shown, most of the works in political philosophy will address communitarian critiques, mostly due to the fact that are working much more directly in the same field of philosophy.

This chapter begins with an examination of Rawls' moral and political philosophy. The role of autonomy within Rawls' broader philosophy will be discussed, as well as his self-reflective critiques in his movement towards a political liberalism. Communitarian critiques will be discussed such as Alasdair MacIntyre, and Charles Taylor's establishment of a narrative view of the self. The focus in this article, however, will be on Alasdair MacIntyre, for his critique of modern moral philosophy has been instrumental in the understanding of Islamic tradition as a discursive tradition. MacIntyre's communitarian criticisms will be presented, as it serves as basis for both my understanding of discursive tradition and Kwame Appiah's argument for collective identity. Kwame Appiah's theory of collective identity as well as Kymlicka's multiculturalism is discussed next. Both theories show the importance that the socially embedded understanding of autonomy has taken place within liberal philosophy. The chapter will concluded by examining how these ideas of the embedded self have influenced other fields of thought such as International Relations.

Beyond merely an understanding of the self, communitarians have put forward ideas about religion, epistemology, and tradition, that bear heavily on the research goals of this project. Many communitarian defences of the social self are in part motivated by a sensibility towards the role of religion in a secular age. Communitarians, such as Charles Taylor and Alisdar Macintyre have written on this topic specifically, as it will be shown below. Moreover, a few of the communitarians analyzed in this section have also put forward a program of social epistemology. MacIntyre's theory of tradition, and to a lesser extent Gadamer's, plays heavily in my understanding of Islam as a

discursive tradition. This will be explained in a later chapter that discusses how Talal Asad used MacIntyre's idea of tradition to recast the anthropology of Islam.

This shift is of profound importance in terms of analyzing autonomy within Shi'i thought. The model of autonomy that has become the cornerstone of all discussion in post-Revolutionary Iran was the individualism inherited from post-war liberals and popularized by the modernists. The previous chapter showed the individualism that was inherent to Shabestari's thought. Yet, if this concept of autonomy and individualism has been critiqued and is no longer the accepted model in the liberal tradition that gave birth to it, what ramifications will this have for intellectual thought in Shi'ism where this model of the self was one of the core issues of debate?

Rawls and Justification

Rawls' conception of autonomy rests upon a meta-ethical theory of justification. I will try to show how Rawls considers moral ethics to be justified and how this justification entails autonomy. Although I have already discussed Rawls' use of reflective equilibrium (RE), I will discuss RE here only as Rawls himself intended to use the method and without my own modifications.

It is necessary to clarify in the beginning what Rawls' means by justification. Justification can be taken to mean the rational grounds that one accepts in order to prefer one moral theory over another. Justification in this sense makes sense if one is working upon foundationalist principles of justification. As described earlier, foundationalism argues that all knowledge relies upon a foundation of core noninferential knowledge and justified belief.²⁴¹ Rawls, however, is providing a coherentist form of justification. Coherentism denies the existence of certain foundational beliefs, nor does it privilege certain beliefs over others, but instead argues that justification lies in a relationship between beliefs. This differentiation in approaches is key to understanding Rawls, for if one approaches Rawls' theory of justification from a foundationalist perspective, it would seem like he is not providing any justification at all.

²⁴¹Fumerton, "Foundationalist Theories of Epistemic Justification."

Rawls' argument for a coherentist view, is unsurprisingly similar to other coherentist arguments. He begins by denying that any foundational belief can be used to develop morality. "There is no set of conditions or first principles that can be plausibly claimed to be necessary or definitive of morality and thereby especially suited to carry the burden of justification."²⁴²

The next step for Rawls is to provide a positive account of justification so as to not fall into moral skepticism. This is where Rawls' develops his coherentist view of justification, namely RE. It is also for this reason that Rawls' comments about justification are reiterated at the end of his book. The reason it is reiterated is that, given he is arguing for a coherentist justification, it is logical that his theory can only be justified if one is able understand his theory as a comprehensive coherent whole.

Rawls states that RE begins with taking into consideration one's judgments (or intuitions) about specific cases, the principles that constitute them, and the more abstract theoretical moral considerations that would bear on the previous two.²⁴³ These three are obviously amended and revived, in a Socratic way, such that they reach an equilibrium.

Autonomy as Content

Any justification that depends on coherence must take into consideration the number of pieces that are to be made coherent. This entails that there is a limit to the number of pieces that one can try to make coherent. Rawls' raises the same concern:

For even if the idea of all possible descriptions and of all philosophically relevant arguments is well-defined (which is questionable), we cannot examine each of them. The most we can do is to study the conceptions of justice known to us through the tradition of moral philosophy and any further ones that occur to us, and then to consider these.²⁴⁴

Thus Rawls needs to limit the number of contending philosophies which he is trying to balance. Given that he is working within the Western liberal tradition, he begins his analysis from the current historical starting point.

²⁴²Rawls, *Theory of Justice*, 578.

²⁴³Daniels, "Reflective Equilibrium."

²⁴⁴Rawls, *Theory of Justice*, 49.

Nevertheless, in comparing justice as fairness with these conceptions, the list used is not simply ad hoc: it includes representative theories from the tradition of moral philosophy which comprises the historical consensus about what so far seem to be the more reasonable and practicable moral conceptions.²⁴⁵

For anyone trying to understand the role of autonomy in Rawls' philosophy this presents a problem. Since Rawls' is already working within a liberal tradition, many of the debates about autonomy will not be brought to the forefront – in such a way that Rawls' would require a defense of autonomy - for they will have been agreed upon terms within that tradition. Thus, for Rawls' the issue of autonomy would not be a central issue of concern. For nearly all conceptions of liberalism value autonomy, and have already brought the concept of autonomy into some form of equilibrium within their thought. Their simply isn't much needed adjustment for Rawls' to make things fit.

However, this does not mean that Rawls' is silent on the issue of autonomy. As we will show below, Rawls' conception of justice is based upon a procedure. This procedure itself is what calls in the need for autonomy in Rawls' theory of justice.

Autonomy as Process

Rawls' method for reaching reflective equilibrium is based upon Kantian constructivism. Although there is a debate as to whether or not Kant had a theory of constructivism, it is something that Rawls' himself attributes to Kant.²⁴⁶ Constructivism states that the morally correct action is one in which different agents would agree to if they were to engage in a hypothetical rational process.²⁴⁷ The original position is therefore the hypothetical process through which reflective equilibrium is to be reached.²⁴⁸ The original position is a hypothetical scenario in which participants formulate principles of social and political justice behind a "veil of ignorance" where we have no knowledge of who we are within society. This is done to ensure impartiality in our

²⁴⁵Ibid., 581.

²⁴⁶Carla Bagnoli, "Constructivism in Metaethics," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2015, <http://plato.stanford.edu/archives/spr2015/entries/constructivism-metaethics/>.

²⁴⁷Ibid.

²⁴⁸Samuel Freeman, *Rawls*, Routledge Philosophers (London: Routledge, 2007), 38.

reasoning, such that we don't imbalance society in favor of one group, for we might belong to a weaker group.

As Samuel Freeman states "In large part, constructivism defines what Rawls means by "fit together" our considered moral convictions in reflective equilibrium."²⁴⁹ Rawls gives more focus to constructivism in *Political Liberalism* and he considers it one of the points of *A Theory of Justice* that were not adequately elaborated. In *Political Liberalism* he writes about constructivism that:

It says that once, if ever, reflective equilibrium is attained, the principles of political justice (content) may be represented as the outcome of a certain procedure of construction (structure). In this procedure, as modeled by the original position, rational agents as representatives of citizens and subject to reasonable conditions, select the public principles of justice to regulate the basic structure of society.²⁵⁰

The role that autonomy plays here should be rather clear. Morality is not something found or discovered, it is rather constructed through a rational process. Rational processes cannot be done outside of the individual. "... the principles of practical reason originate... in our moral consciousness as informed by practical reason."²⁵¹ Or as he said in *Theory of justice*: "The original position may be viewed, then, as procedural interpretation of Kant's conception of autonomy and the categorical imperative."²⁵²

This ability of individuals to derive morality is the basis for Rawls' entire justification as to why individuals should be considered to be free and equal: "...the capacity for moral personality is a sufficient condition for being entitled to equal justice."²⁵³ Rawls' conception of freedom is thus centered around the necessity of being moral agents. According to Rawls' the correct way to discover the essential liberties is "to consider which liberties are essential social conditions for the adequate development and full exercise of the two powers of moral personality over a complete life."²⁵⁴

²⁴⁹Ibid., 38.

²⁵⁰John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4 (New York: Columbia University Press, 1993), 90.

²⁵¹Ibid., 100.

²⁵²Rawls, *Theory of Justice*, 256.

²⁵³Ibid., 505.

²⁵⁴Rawls, *Political Liberalism*, 293.

It is therefore, the entire process of justification that demands autonomy. Reflective equilibrium requires constructivism which in turn requires autonomy. In Rawls' terminology, these three moral values and concepts "fit." As does his concept of liberty, which is to give the freedom necessary for the autonomous agent to develop a sense of social justice, and abide by the hypothetical social contract. When Rawls' switches from comprehensive moral doctrine in *A Theory of Justice* to a political conception in *Political Liberalism* all that changes is merely the scope of the autonomous agent from what he labels a "constitutive autonomy" to "doctrinal autonomy."²⁵⁵ By "doctrinal autonomy" Rawls means simply the political conception of the person as citizen.

The Implications of Autonomy

Rawls' move to political conception of the person is not a minor change. Here, I will try to compare the concept of autonomy in Rawls' two major works *A Theory of Justice*, and *Political Liberalism*. After this comparison I will show how his two conceptions of autonomy will be beneficial for understanding the role of autonomy in Islamic thought. Yet, to begin, it is necessary to clarify some of the terminology that Rawls' uses, and which I shall continue to use in my writings. That is Rawls' distinction between the concept of a comprehensive doctrine and political conception. Rawls' makes this distinction clear early on in *Political Liberalism*. A doctrine can be considered comprehensive "when it includes conception of what is of value in human life, and ideals of friendship and of familial and associational relationships, and much else to inform our conduct, and in the limit to our life as a whole."²⁵⁶ A political doctrine on the other hand is "... a module, an essential constituent part, that fits into and can be supported by various reasonable comprehensive doctrines that endure in the society regulated by it."²⁵⁷

²⁵⁵Ibid., 98–99.

²⁵⁶Ibid., 13.

²⁵⁷Ibid., 12.

A Comprehensive Kantian Autonomy

In *A Theory of Justice*, Rawls' endeavors to move the liberal tradition from the dominant utilitarian framework to one based on social contract. This new framework is highly Kantian.²⁵⁸ In Chapter 40 under the title "The Kantian Interpretation of Justice as Fairness", Rawls' writes:

For the most part I have considered the content of the principle of equal liberty and the meaning of the priority of the rights that it defines. It seems appropriate at this point to note that there is a Kantian interpretation of the conception of justice from which this principle derives. This interpretation is based upon Kant's notion of autonomy.²⁵⁹

To be more specific, the concept of autonomy that is under discussion by Rawls' is moral autonomy. Rawls' defines his Kantian notion of autonomy as such:

Kant held, I believe, that a person is acting autonomously when the principles of his action are chosen by him as the most adequate possible expression of his nature as a free and equal rational being. The principles he acts upon [in that case] are not adopted because of his social position or natural endowments, or in view of the particular kind of society in which he lives or the specific things that he happens to want....²⁶⁰

Rawls' understanding of autonomy is arguably similar to what Kant himself states. Kant writes that "autonomy of the will is that property of it by which it is a law to itself independently of any property of objects of volition..."²⁶¹

Political Conception of the Person

Rawls' motivation for moving away from a comprehensive conception of autonomy to a political conception is that in a pluralistic society it would not be possible have a consensus on a comprehensive notion of autonomy.²⁶² This might entail in the long run, that certain oppressive forces be used in order to keep the dominant liberal philosophy in power. He calls this *the fact of oppression*: "a continuing shared understanding on one comprehensive

²⁵⁸Rawls, *Theory of Justice* viii.

²⁵⁹*Ibid.*, 251.

²⁶⁰*Ibid.*, 251.

²⁶¹Immanuel Kant, *Critique of Practical Reason, and Other Writings in Moral Philosophy*, trans. Lewis White Beck, *The Philosophy of Immanuel Kant* (Chicago: University of Chicago Press, 1949), 97.

²⁶²Christman, "Autonomy in Moral and Political Philosophy. The Stanford Encyclopedia of Philosophy."

religious, philosophical, or moral doctrine can be maintained only by the oppressive use of state power.”²⁶³ Rawls’ then continues to develop a political version of his comprehensive of justice as fairness, one in which justice is a modular concept that can be incorporated in different comprehensive accounts through an overlapping consensus. This in turn requires a rethinking of certain core fundamentals. The first of which is his conception of autonomy.

Autonomy in *Political Liberalism* is no longer thought about in comprehensive terms, it is rather confined to conception of the political conception of the person. This political conception of the person is called a citizen. A citizen may hold any comprehensive belief that they wish, but when it comes to the realm of politics, and social justice, they must commit themselves to the original position. Therefore, there is only a thin layer of autonomy that is confined only to the political citizen.

Rawls conception of a citizen becomes more clear when we analyze how the citizen is supposed to develop a well organized society. As we stated above, Rawls’ makes use of constructivism for his development of justice as fairness. In *Political Liberalism*, constructivism is no longer applied to develop comprehensive moral theories, but instead is confined to the sphere of the political. Yet, Rawls’ believes that not everything is constructed, and that “we must have some material... from which to begin.” This is namely his theory of the original position. The concepts of the political right and justice are, however, constructed. The concept of justice is then constructed as such:

The procedure itself is simply laid out using as starting points the basic conceptions of society and person, the principles of practical reason, and the public role of a political conception of justice.²⁶⁴

The conception of justice is then carried out in dialogue with other citizens in hopes of reaching an overlapping consensus. The requirement of the arguments put forward by citizens is that they be reasonable, and not necessarily rational. For example, arguments put forward by a person of faith must be translated into a way that a citizen outside of that will understand.

²⁶³Rawls, *Political Liberalism*, 37.

²⁶⁴*Ibid.*, 104.

Yet the entire procedure of political constructivism depends upon the first principle of justice that “each person has an equal claim to a fully adequate scheme of equal basic rights and liberties...”²⁶⁵ Thus, when Rawls’ speaks about society as a fair system of cooperation he has in mind a particular conception of the citizen as being free and equal. “Since we start within the tradition of democratic thought we also think of citizens as free and equal persons.”²⁶⁶ Rawls’ conception of “free persons” is also political. He regards the freedom of citizens to have three attributes. The three attributes are that citizens have a conception of the good, that they are self-authenticating sources of valid claims, and that they are responsible for their valid ends.²⁶⁷ The concept of free and equal citizens is vital to Rawls’ theory of justice for he is building upon a notion of the social contract, and more importantly it is vital to Rawls’ concern with stability. It is vital that citizens are free and equal so that they may accept and comply with the well ordered society which has been derived from this original position, and that this conception of society will be stable over time.

Two Concepts of Autonomy and Islam

Of what significance is Rawls’ shift from comprehensive to political autonomy to Islamic thought? The most significant impact of Rawls’ shift is to show the comprehensiveness of the Kantian notion of autonomy. There are numerous Muslim intellectuals that are trying to establish a liberal Islamic political doctrine, and many of these intellectuals try to present liberal doctrine as something that is already present within the Islamic tradition.

What Rawls’ analysis of autonomy as a comprehensive doctrine makes apparent, is that the incorporation of autonomy into Islamic doctrine would require a commitment that would have wider theological implications. Yet, few Islamic intellectuals attempt to conceive of a liberal political philosophy that is strictly political and not comprehensive. One reason for this is that many of these modernist intellectuals are writing in reaction to Islamist thinkers. Islamist thinkers conceive of politics and religion as one entrenched

²⁶⁵Ibid., 5.

²⁶⁶Ibid., 19.

²⁶⁷Ibid., 30–33.

comprehensive doctrine. While Rawls does consider his theory to be political and not metaphysical, and modular instead of comprehensive, how can one argue for a political conception of justice against someone who grounds their political theory in a metaphysical framework?

Rawls already concedes that it is possible to say that his argument that no metaphysical thesis is required for his concept of justice as fairness is already a metaphysical thesis.²⁶⁸ This is made clearer when one tries to argue for the political concept of justice as fairness to someone that already holds a metaphysical understanding of politics. For example, an Islamist would need a metaphysical argument to detach the political concept of the person from his comprehensive ideology. This is well articulated by Lucas Swaine, as he attempts to persuade theocrats into abiding by liberal institutions. He writes: “...the arguments liberals have given to theocrats on crucial points of political and legal justification remain philosophically unsatisfactory.”²⁶⁹

Rawls’ *Political Liberalism* should be philosophically unsatisfactory for theocrats simply because he is not addressing them. Rawls makes very few arguments as to why one should adhere by the first principle of justice, free and equal citizens, even if that first principle is political and not metaphysical. Many pro-democracy movements might find *A Theory of Justice* to be more satisfactory because it is a comprehensive doctrine that offers an alternative to another comprehensive doctrine. Rawls is simply starting from the fact of reasonable pluralism and democratic institutions that he was situated in, and developed his theories from that starting point. Many Muslim intellectuals are starting from a different starting point. For example, the reformists underdiscussion are starting from an overall Islamist paradigm that already considered political theory to be a part of a different non-liberal comprehensive doctrine. The term Post-Islamist accurately captures this paradigm.²⁷⁰ Thus the move from a comprehensive Islamic doctrine, to a modular political conception, will be different than Rawls’ move from a comprehensive liberal doctrine to a modular political conception.

²⁶⁸ Ibid., 29.

²⁶⁹ Lucas Swaine, “A Liberalism of Conscience,” *Journal of Political Philosophy* 11, no. 4 (December 1, 2003): 369–91, doi:[10.1046/j.1467-9760.2003.00182.x](https://doi.org/10.1046/j.1467-9760.2003.00182.x) xiv.

²⁷⁰ Bayat, “What is Post-Islamism”.

Thus one is left in a bit of a conundrum. Yes, political liberalism does offer more stability because its conception of autonomy is political and not metaphysical. But on the other hand it does not offer one a valid reason as to relinquish one's previous comprehensive doctrine. It simply does not suffice to state, as Dreben Burton does,²⁷¹ that any non-liberal theory is simply irrational. Micheal Sandel also raises the same concern, although in a different light:

...granting the importance of securing social cooperation on the basis of mutual respect, what is to guarantee that this interest is always so important as to outweigh any competing interest that could arise from within a comprehensive moral or religious view?²⁷²

It could be argued that political liberalism might be relinquishing the power it needs to bring about a liberal society. Given that political liberalism is modular, it still requires an argument for one to attach this modular concept to one's overall comprehensive doctrine. Working from within Rawls' political liberalism, Lucas Swaine actually does take this next step and offers an argument for why theocrats should abide by liberal intuitions.

In Rawls defense, however, he was not unaware that his political philosophy would not in of itself, convince theocrats. He himself asks the same question in one of his final papers "The Idea of Public Reason Revisited" and wonders how it is possible to get people of faith, or even adherents of non-religious secular doctrines to endorse a constitutional regime even though it be to their detriment. He writes:

Here the answer lies in the religious or nonreligious doctrine's understanding and accepting that, except by endorsing a reasonable constitutional democracy, there is no other way fairly to ensure the liberty of its adherents consistent with the equal liberties of other reasonable free and equal citizens.²⁷³

The way that one comes to this understanding, however, is metaphysical. This is evident by the fact that Rawls cites Abdullahi Ahmed An-Na'im - a Sudanese scholar that currently lives in the United States and

²⁷¹Burton Dreben, "On Rawls and Political Liberalism," in *The Cambridge Companion to Rawls*, ed. Samuel Richard Freeman, Cambridge Companions to Philosophy (Cambridge: Cambridge University Press, 2003).

²⁷²Michael J. Sandel, *Public Philosophy: Essays on Morality in Politics* (Cambridge: Harvard University Press, 2005), 224.

²⁷³John Rawls, "The Idea of Public Reason Revisited," in *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4 (New York: Columbia University Press, 1993), 460.

has authored many books on Islam, secularism, and human rights - as an intellectual that was able to reconcile a comprehensive doctrine – in this case Islam – with constitutional democracy.²⁷⁴ In his article “The Idea of Public Reason Revisited” Rawls states that “ In endorsing a constitutional democratic regime, a religious doctrine may say that such are the limits God sets to our liberty; a nonreligious doctrine will express itself otherwise.”²⁷⁵ It should be clear that An-Naim’s work is metaphysical.

Overall, Rawls adds an important analysis to the concept of autonomy and that is to show the comprehensiveness of autonomy. He makes it clear that autonomy would require a commitment, not just in the political sphere but in theology as well. Moreover, his concept of citizen makes clear that given the position that Muslim intellectuals are starting from, that is a comprehensive Islamist paradigm, a political conception of the person still requires a metaphysical thesis.

MacIntyre’s Critique of Liberalism

MacIntyre’s critique of the enlightenment project, and liberalism as an extension of that project is that it is ahistorical, and does not take into consideration one’s intellectual tradition. MacIntyre believes that rationality is defined by one’s tradition and that one cannot evaluate ideas without taking into consideration that tradition. Modern moral philosophy, therefore, cannot solve ethical issues and merely becomes a form of emotivism. In this section I will set out to analyze MacIntyre critique of liberal individualism, and how his concept of tradition can be applied as method to better understand autonomy and faith in a Shi’i context.

Critique of Liberal Rationality

The liberal conception of the self is tied to the Enlightenment conception of rationality. The concept of the disengaged individual that can analyze phenomenon objectively is what gives autonomy its importance in the

1. ²⁷⁴John Rawls, “The Idea of Public Reason Revisited,” *The University of Chicago Law Review* 64, no. 3 (1997): 782. Rawls cites Abdullahi Ahmed An-Na’im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse: Syracuse University Press, 1990), 52-57.

²⁷⁵Ibid.

natural and social sciences. Charles Guignon writes about the dual use of this method rationality to develop autonomy. Charles Taylor, in his historical analysis of the roots of the modern self, states that Descartes turn to disengaged reason was one fundamental turning points to the modern understanding of identity and autonomy. As Descartes writes:

I was convinced that I must once and for all seriously undertake to rid myself of all the opinions which I had formerly accepted, and commence to build anew from the foundation, if I wanted to establish any firm and permanent structure in the sciences.²⁷⁶

Later on he writes:

Archimedes, in order that he might draw the terrestrial globe out of its place and transport it elsewhere, demanded only that one point should be fixed and immoveable; in the same way I shall have the right to conceive high hopes if I am happy enough to discover one thing only which is certain and indubitable.²⁷⁷

Objectivity, and the overthrow of external authority, was required in order to provide a foundational basis for knowledge. A method, or as Talyor says a procedure, was therefore necessary to establish the Archimedes points and detail how knowledge can be built, or else one would fall into relativism. In following Bernstein, the dilemma between objectivity and relativism will be labeled as “Cartesian Anxiety.”²⁷⁸

This concept of objectivity and autonomy is also seen in contemporary philosophers such as John Rawls. As stated in the previously autonomy is a necessary component for Rawls for it grounds his theory of moral and later political constructivism. While Rawls is not a foundationalist, as expressed by his theory of reflective equilibrium, objectivity and consequently the method of constructivism through the original position, are the foundations of his theory of justice. And it his method that call for the necessity of autonomy.

Thus if this concept of rationality is changed, the concept of autonomy also changes. This is what takes place in the works of Alasdair MacIntyre. While their have been many criticism of the Cartesian paradigm especially in

²⁷⁶René Descartes, *Meditations on First Philosophy : In Focus*, ed. Stanley Tweyman, trans. Elizabeth Sanderson Haldane and G. R. T. Ross, Routledge Philosophers in Focus Series (London: Routledge, 1993), 45.

²⁷⁷Ibid., 50.

²⁷⁸Richard J. Bernstein, *Beyond Objectivism and Relativism : Science, Hermeneutics, and Praxis* (Philadelphia: University of Pennsylvania Press, 1983), 16.

the natural sciences, from which he draws support, MacIntyre's approach is provocative for he endeavors to formulate how new perspectives in rationality will affect moral philosophy, and specifically liberal individualism.

The Myth of Enlightened Rationalism

One of MacIntyre's critique of the liberal individualism is that it rests upon a concept of rationality which is itself a concept that has been developed through a tradition. This view of rationality believes that there is a single procedure that everyone could use as means of justification:

It was a central aspiration of the Enlightenment... to provide for debate in the public realm standards, and methods of rational justification by which alternative courses of action in every sphere of life could be adjudged just or unjust, rational or irrational, enlightened or unenlightened. So it was hoped, reason would displace authority and tradition.²⁷⁹

Yet no rational principles were able to be decided upon. Neither by the Enlightenment thinkers nor those that came after them. Thus, "the legacy of the Enlightenment has been the provision of an ideal of rational justification that which it has proved impossible to attain."²⁸⁰ MacIntyre views liberalism as being the "strongest claimant" of this understanding of rationality, and that it "fails in this respect... provides the strongest reason that we can actually have for asserting that there is no such neutral ground..."²⁸¹

MacIntyre criticism is two fold. The first is that the Enlightenment project of a universal application of rationality has failed to deliver standards that even Enlightenment thinkers would agree upon. This is rather clear given the number of disagreements amongst those who have undertaken this project. Second, the different moral philosophies that have developed are incommensurable, and it is this point which will be elaborated. It should be noted that MacIntyre is not alone in making this claim, and that some of the most prominent philosophers have presented similar arguments, namely Kuhn, and Rorty.²⁸² Later on it will be shown that MacIntyre makes use of

²⁷⁹Alasdair C. MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame: University of Notre Dame Press, 1988), 6.

²⁸⁰*Ibid.*, 6.

²⁸¹*Ibid.*, 346.

²⁸²Richard J. Bernstein, *The New Constellation: The Ethical-Political Horizons of Modernity/postmodernity* (Cambridge: Polity, 1991), 15–31.

Kuhn's study in order to develop a third way between the Enlightenment concept of objective rationality and relativism.

On the issue of incommensurability MacIntyre writes:

What I earlier picked out as the distinctively modern standpoint was of course that which envisages moral debate in terms of a confrontation between incompatible and incommensurable moral premises and moral commitment as the expression of a criterionless choice between such premises, a type of choice for which no rational justification can be given.²⁸³

In order to illustrate his point, MacIntyre turns to Kierkegaard's book *Enten-Eller* (Either-Or). In *Enten-Eller* Kierkegaard writes about two distinctly different approaches to life. A is the aesthetic life, and B is the ethical life. For MacIntyre *Enten-Eller* shows the "deep internal inconsistency... between its concept of radical choice and its concept of the ethical... How I must feel at any given moment is irrelevant to the question of how I must live."²⁸⁴

In order to understand Kierkegaard's dilemma it is vital to understand Kant. Kant "in almost every way sets the philosophical scene for Kierkegaard."²⁸⁵ MacIntyre states Kant's moral philosophy as having two simple theses: "if the rules of morality are rational, they must be the same for all rational beings... if the rules of morality are binding on all rational beings, then the contingent ability of such beings to carry them out must be unimportant."²⁸⁶ Thus for Kant a rational justification of morality depends upon finding a rational test. Kant rejects the notion that this test depends upon whether or not it will eventually lead to happiness. Thus we begin to see a separation in Kant's moral philosophy. "The sphere in which happiness is to be pursued is sharply distinguished from the sphere of morality..."²⁸⁷

Yet Kant's attempt to formulate a decisive test for morality was a failure. MacIntyre goes through a critique of how Kant falls short of his goals, though it is not necessary to restate them here. There are many critiques of Kant's moral philosophy, from Schopenhauer to MacIntyre. Yet, it was Kant's

²⁸³Alasdair C. MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1985), 39.

²⁸⁴*Ibid.*, 41.

²⁸⁵*Ibid.*, 43.

²⁸⁶*Ibid.*, 44.

²⁸⁷*Ibid.*, 45.

failure “that provided Kierkegaard with his starting-point: the act of choice had to be called in to do the work that reason could not do.”²⁸⁸

It might be appropriate to state that Rawls agrees with MacIntyre on this point that the Enlightenment failed to deliver on its promise of universally accept moral philosophy. Rawls’ transition from a comprehensive to a political doctrine of liberalism was due to the fact that he no longer considered his comprehensive moral doctrine in *A Theory of Justice* to be feasible, because a modern democratic society is characterized by “a pluralism of incompatible yet reasonable comprehensive doctrines.” Rawls realized that a strict adherence to rationality would not gather people to form a stable society. Thus he abandons rationality for reasonableness, and hence Rawls statement that an overlapping consensus of reasonable comprehensive doctrines are required. In distinguishing reasonableness from rational Rawls writes that:

Persons are reasonable in one basic aspect when, among equals say, they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so.²⁸⁹

Rationality is then:

... a distinct idea from the reasonable and applies to a single, unified agent (either an agent or corporate person) with the powers of judgment and deliberation in seeking ends and interests peculiarly its own.²⁹⁰

These two concepts are completely separate from each other, such that “there is no thought deriving the reasonable from the rational.”²⁹¹ While Rawls recognizes the problem, he choses to forgo the problem of inncommensurability in moral philosophy, and rather find a viable solution for it in political philosophy. MacIntyre on the other hand, tries to solve the issue of inncommensurability in moral philosophy. This leads MacIntyre to ask if there is a mode of understanding rationality which the Enlightenment thinkers could not grasp:

²⁸⁸Ibid., 47.

²⁸⁹Rawls, Political Liberalism, 61.

²⁹⁰Ibid., 50.

²⁹¹Ibid., 51.

Is there some mode of understanding which could find no place in the Enlightenment's vision of the world by means of which the conceptual and theoretical resources can be provided for reuniting conviction concerning such matters as justice on the one hand and rational enquiry and justification on the other?²⁹²

MacIntyre argues that the way forward is to understand rationality in terms of tradition: "What the Enlightenment made us for the most part blind to and what we now need to recover is, so I shall argue, a conception of rational enquiry as embodied in a tradition..."²⁹³ This quite similar to Gadamer's position:

The overcoming of all prejudices, this global demand of the Enlightenment, will itself prove to be a prejudice, and removing it opens the way to an appropriate understanding of the finitude which dominates not only our humanity but also our historical consciousness.²⁹⁴

The real force of morals... is based on tradition. They are freely taken over but by no means created by a free insight or grounded on reasons. This is precisely what we call tradition: the ground of their validity. And in fact it is to romanticism that we owe this correction of the Enlightenment: that tradition has a justification that lies beyond rational grounding and in large measure determines our institutions and attitudes.²⁹⁵

How Tradition Affects Rationality

MacIntyre believes that rationality is both tradition-constituted and tradition-constitutive. Rationality is affected by and affects tradition. On how tradition affects rationality, MacIntyre writes that:

...rationality itself, whether theoretical or practical, is a concept with a history: indeed since there are a diversity of traditions of enquiry, with histories, there are, so it will turn out, rationalities rather than rationality, just as it will also turn out that there are justices rather than justice.²⁹⁶

Yet at the same time, tradition is affected by rationality. Rationality helps to progress tradition whenever it is presented with an epistemic problem by deciding the most coherent answer. In an interview with Giovanna Borradori, MacIntyre clarifies his position as such:

²⁹²MacIntyre, *Whose Justice?*, 7.

²⁹³Ibid., 7.

²⁹⁴Gadamer, *Truth and Method*, 277.

²⁹⁵Ibid., 282.

²⁹⁶MacIntyre, *Whose Justice?*, 9.

To understand some particular philosophical position requires being able to locate it within a tradition, always in relation to its successors... So the best theory, that to which we owe our rational allegiance, in moral philosophy as elsewhere, is always the best theory to be developed so far within the particular tradition in which we find ourselves at work.²⁹⁷

MacIntyre loosely correlates this theory to coherentism.²⁹⁸ “So correspondence or the lack of it becomes a feature of a developing complex conception of truth.”²⁹⁹ It should be noted that MacIntyre is interested in a tradition that affects rationality. “Not all traditions... have embodied rational enquiry as a constitutive part of themselves...” Thus the type of traditions that MacIntyre is speaking about, are traditions that have a concept of rationality within them.

In order to understand how to overcome incommensurability MacIntyre turns to the philosopher who basically coined the term; Thomas Kuhn. In “The Relationship of Philosophy to its Past” MacIntyre argues that philosophers of science have generally given two kinds of reactions to Kuhn’s theory of incommensurability. They have either rejected it in total, or accepted it in full with drastic consequences. MacIntyre argues for a third path.

What I am arguing then is that one incommensurable body of scientific theory can speak to another across time, not only as providing a better set of solutions to its central problems... but as providing an historical explanation of why certain of the key experiences of its adherents in wrestling with their own problems were what they were.³⁰⁰

Elsewhere, he writes:

“But there is no way of identifying, characterizing, or classifying that particular datum in a way relevant to the purposes of theoretical enquiry except in terms of some prior theoretical or doctrinal commitment.”³⁰¹

However, as Bernstein points out, Kuhn himself was looking for a third possibility, one between objectivity and relativism, and MacIntyre’s

²⁹⁷ Giovanna Borradori, *The American Philosopher: Conversations with Quine, Davidson, Putnam, Nozick, Danto, Rorty, Cavell, MacIntyre, and Kuhn* (Chicago: University of Chicago Press, 1994), 147.

²⁹⁸ MacIntyre, *Whose Justice?*, 357.

²⁹⁹ *Ibid.*, 357.

³⁰⁰ Richard Rorty, J. B. Schneewind, and Quentin Skinner, eds., *Philosophy in History: Essays on the Historiography of Philosophy*, Ideas in Context ; 1 (Cambridge: Cambridge University Press, 1984), 45.

³⁰¹ Alasdair C. MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy and Tradition*, Gifford Lectures ; 1988 (Notre Dame: University of Notre Dame Press, 1990), 17.

assessment of Kuhn could be based on a misunderstanding. Yet, irregardless of that misunderstanding, Bernstein considers MacIntyre's approach for third path to mirror Kuhn's own struggles. He quotes MacIntyre as writing:

Objective rationality is therefore to be found not in rule-following, but in rule-transcending, in knowing how and when to put rules and principles to work and when not to. Consider how practical reasoning of this kind is taught, whether it is the practical reasoning of generals, of judges in a common law tradition, of surgeons or of natural scientists. Because there is no set of rules specifying necessary and sufficient conditions for large areas of such practices, the skills of practical reasoning are communicated only partly by precepts but much more by case-histories and precedents. Moreover the precepts cannot be understood except in terms of their application in the case-histories; and the development of the precepts cannot be understood except in terms of the history of both precepts and case-histories. The teaching of method is nothing other than the teaching of a certain kind of history.³⁰²

The above quotation was, however, edited out of the final draft of MacIntyre's paper "Epistemological Crises, Dramatic Narrative and the Philosophy of Science". Yet, the same essence has been carried over: "It is only when theories are located in history, when we view the demands for justification in highly particular contexts of a historical kind, that we are freed from either dogmatism or capitulation to skepticism."³⁰³ MacIntyre called his view point, dramatic narrative.

MacIntyre and Rawls

MacIntyre does not offer a point by point critique of Rawls, but rather critiques the rationality upon which Rawls has built his theory. There is a good debate between MacIntyre and Stephen Mulhall about how MacIntyre's critiques apply to Rawls. Mulhall argues that MacIntyre's critiques of Rawls' position rests on a misinterpretation, and that MacIntyre's views are compatible with a liberal framework.³⁰⁴ Yet, MacIntyre replies that Mulhall completely misunderstood his thought, because Mulhall failed to take into

³⁰²Bernstein, *Beyond Objectivism and Relativism*, 57.

³⁰³Alisdair MacIntyre, "Epistemological Crises, Dramatic Narrative and the Philosophy of Science," *The Monist* 60, no. 4 (October 1, 1977): 471, <http://www.jstor.org/stable/27902497>.

³⁰⁴Stephen Mulhall, "Liberalism, Morality, and Rationality: MacIntyre, Rawls and Cavell," in *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*, ed. John Horton and Susan Mendus (Notre Dame: University of Notre Dame Press, 1995), 205–25.

consideration how MacIntyre's central thesis, that liberalism consists of incommensurable theories. MacIntyre argues that "liberalism has become the kind of social and cultural tradition in which incoherence may be and, in the case of liberalism, is at home."³⁰⁵ MacIntyre's reply to Mulhall has a broader impact, for Mulhall's intent in his widely cited book, *Liberals and Communitarians*, is to show that Rawls' formulation of political liberalism takes into consideration communitarian critiques. For MacIntyre, the image of rationality that liberalism rested on is no longer viable. If that is no longer viable, the method of justice as fairness presented by Rawls is no longer viable, nor liberal individualism. What is required now is an individual situated in a tradition that itself is part of an unfolding narrative.

We enter upon a stage which we did not design and we find ourselves part of an action that was not of our making. Each of us being a main character in his own drama plays subordinate parts in the dramas of others and each drama constrains the others.³⁰⁶

Liberalism and the Socially Embedded Self

Here I will discuss two liberal thinkers that have incorporated a model of a socially embedded self. The first is Appiah and his development of collective identities. The other Kymlicka and his theories of societal culture and multiculturalism.

Appiah and Collective Identities

While MacIntyre's reintroduction of Aristotelian virtue ethics has given new life to this field, his works on the narrative view of the self have benefited from the parallel works of another communitarian thinker, Charles Taylor. My aim here is not to show the similarities or differences between Taylor and MacIntyre, though they are more similar than they are different, and are usually classified together. I would like to show how this narrative view of the self has impacted liberal thought, and how current liberal philosophy tries to incorporate this model of the self. My case study here is Kwame Appiah's *Ethics of Identity*, who openly relies on MacIntyre and Taylor's conception of

³⁰⁵Alasdair MacIntyre, "A Partial Response to My Critics," in *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*, ed. John Horton and Susan Mendus (Notre Dame: University of Notre Dame Press, 1995), 193.

³⁰⁶Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Gerald Duckworth & Co Ltd, 2007), 213.

the narrative self.³⁰⁷ Some have remarked that Appiah's book is "the best account of the ethics of a liberal society that we possess."³⁰⁸

In a discussion of what constitutes autonomy Appiah begins by a critique of the self-chosen individuality that is found in popular culture. The type of individuality where my plan in life is seen as an expression of my individuality, and it therefore gains currency because it was chosen by me.³⁰⁹ He criticises this notion of autonomy because it is at the same time arbitrary and unsociable. It is arbitrary because the fact that this life was chosen by me does not mean that it is the best life that I could have lived. It is unsociable because social institutions designed to reflect the value of sociability, are seen as a constraint on our individuality.

In development of this debate, Appiah maps out two philosophical approaches to the issue. One is the romantic version as autonomy as *authenticity* and the other is the *existentialist* conception of autonomy as choice. He rejects the romantic notion of authenticity because it fails to capture any notion of self-creation, and he rejects the existentialist notion because identity needs to make sense, and it can only make sense if it refers to things other than one's self.

It is here that Appiah begins to develop upon Charles Taylor's and MacIntyre's understanding of autonomy as a narrative. He quotes Taylor as saying:

I can define my identity only against the background of things that matter. But to bracket out history, nature, society, the demands of solidarity, everything but what I find in myself would be to eliminate all candidates for what matters.³¹⁰

And it is at this juncture that Appiah develops his notion of a collective identity. He places the formation of identity within the narrative view of the self, as something that is chosen through society. "In constructing an identity, one draws, among other things, on the kinds of person available in one's

³⁰⁷Anthony Appiah, *The Ethics of Identity* (Princeton: Princeton University Press, 2005), 22.

³⁰⁸Daniel Weinstock, "Book Review: Kwame Anthony Appiah, *The Ethics of Identity*," *Ethics* 117, no. 1 (October 1, 2006): 119, doi:[10.1086/508039](https://doi.org/10.1086/508039).

³⁰⁹Appiah, *The Ethics of Identity*, 13.

³¹⁰Charles Taylor, *The Ethics of Authenticity* (Cambridge: Harvard University Press, 1992), 40.

society.”³¹¹ The different identities which are available through society are labeled as collective identities. “Collective identities... provide what we might call scripts: narratives that people can use in shaping their projects and in telling their life stories.”³¹² Finally, our identities are born through a weaving of our personal identity and the collective identities.

It is not just that, say, gender identities give shape to one’s life; it is also that ethnic and national identities fit a personal narrative into a larger narrative. For modern people, the narrative form entails seeing one’s life as having a certain arc, as making sense through a life story that expresses who one is through one’s own project of self-making. That narrative arc is yet another way in which an individual’s life depends deeply on something socially created and transmitted.³¹³

Appiah has thus been able to incorporate the narrative view of the self into a new formulation of liberalism. It is a liberalism that takes multiculturalism and collective identities seriously, and moves away from disengaged individualism. It has given a new balance between community and individuality.

Kymlicka’s Model of the Self

Kymlicka develops his version of multiculturalism upon a commitment to autonomy, and bases the validity of multiculturalism on how well multiculturalism defends autonomy. “Liberals can only endorse minority rights in so far as they are consistent with respect for the freedom or autonomy of individuals.”³¹⁴ Kymlicka is able to link autonomy to multiculturalism in what he argues to be the necessity of culture, especially ‘societal culture’ in fostering autonomy. Kymlicka argues that societal culture is a precondition for the development of autonomy.³¹⁵ In this section I shall explore how Kymlicka presents his argument for autonomy and societal culture, as well as some of the criticisms.

³¹¹Appiah, *The Ethics of Identity*, 23.

³¹²*Ibid.*, 22.

³¹³*Ibid.*, 23.

³¹⁴Will Kymlicka, *Multicultural Citizenship : A Liberal Theory of Minority Rights*, Oxford Political Theory (Oxford: Clarendon Press, 1995), 75.

³¹⁵*Ibid.*, 76.

The Centrality of Autonomy

Kymlicka's argument for autonomy is based on two broad arguments. These points are similar to Rawls' argument that autonomy is necessary for the development of morality. The first is that in order to lead a good life, individuals must endorse their life plans from the inside. In following Dworkin he labels this the "endorsement constraint." Kymlicka writes that "paternalistic restrictions on liberty often simply do not work - lives do not go better by being led from the outside, in accordance with values the person does not endorse."³¹⁶ This however is an empirical claim, for which Kymlicka offers no evidence. There is, nonetheless, ample evidence for this claim in the research undertaken by psychologists. I have discussed these findings earlier.

Kymlicka's second argument for autonomy is that autonomy gives us the ability to rationally revise our life plans. The argument is that our life plans are of primary importance to us, and in deciding upon these life plans we may err. We require autonomy in order to assess the value of our life plans and revise them if we see that they are no longer of worthy of our commitment.³¹⁷ Kymlicka writes that "The second precondition is that we be free to question those beliefs, to examine them in light of whatever information, examples, and arguments our culture can provide."³¹⁸ Kymlicka makes a similar argument for rational revisability in his critique of communitarians. He argues that communitarians consider an individuals and their ends to be too embedded, which in turn makes the communities values overly authoritative and does not allow for rational revisability.³¹⁹ I shall return to this point below.

There is nothing new in Kymlicka's defense of autonomy. He himself is rather comfortable by referring to other liberal intellectuals such as Dworkin and Rawls on this issue. Where Kymlicka does differ though, is on his emphasis on culture. Rather, the way he emphasises culture is original, and as he himself argues other liberals have emphasised culture to a limited extent.

³¹⁶Ibid., 81.

³¹⁷Ibid., 81.

³¹⁸Ibid., 81.

³¹⁹Will Kymlicka, *Contemporary Political Philosophy : An Introduction* (Oxford: Oxford University Press, 2002), 222.

The Argument for Culture

In *Multicultural Citizenship* one of Kymlicka's central arguments is that "freedom is intimately linked with and dependent on culture."³²⁰ Although it is not not any culture, but what he names as "societal culture" that is of concern. Societal culture is "a culture which provides its members with meaningful ways of life across the full range of human activities... encompassing both public and private spheres"³²¹ Elsewhere he has defined societal culture as:

a territorially-concentrated culture, centred on a shared language which is used in a wide range of societal institutions, in both public and private life (schools, media, law, economy, government, etc.). I call it a societal culture to emphasize that it involves a common language and social institutions, rather than common religious beliefs, family customs, or personal lifestyles.³²²

Kymlicka follows Ernest Gellner (d. 1995), an influential philosopher and social anthropologist, in arguing that these types of cultures did not always exist, but were brought about by the necessities of modernity. In *Nations and Nationalism*, Gellner argues that nations and nationalism are products of modernity and that they are determined by social and economical development.³²³ Kymlicka builds on this understanding of nationalism, and states that 'societal culture' grew out of the modern nation states efforts of nation-building, were modern states tried to develop a sense of solidarity amongst varying cultures. Modernity brought about the spreading of a common culture via the various social, political, and economic institutions. This occurred in order to meet the needs of the modern economy for a mobile and educated work force, and the high level of solidarity needed for the modern democratic states.³²⁴ The reason that this solidarity is important is because the modern state requires a common identity and common membership so that individuals will "make sacrifices for each other, and this common identity is assumed to require (or at least be facilitated by) a

³²⁰Kymlicka, *Multicultural Citizenship*, 75.

³²¹*Ibid.*, 76.

³²²Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (Oxford: Oxford University Press, 2001), 25.

³²³ Ernest Gellner, *Nations and Nationalism* (Oxford: Basil Blackwell, 1983).

³²⁴Kymlicka, *Multicultural Citizenship*, 76.

common language and history.”³²⁵ Although many liberals write as if there is only one culture in the country, there is rather one dominant culture with multiple subcultures.

Kymlicka’s argument as to why societal culture is important to autonomy is structured around how individuals make a choice. Individuals make choices regarding social practices based upon their beliefs of the value of a social practice. Yet, to have a belief about a social practice one must first understand the meaning that has been attached to it by the societal culture. Thus societal culture is the medium through which an individual can value different choices. “Put simply, freedom involves making choices amongst various options, and our societal culture not only provides these options, but also makes them meaningful to us.”³²⁶ Kymlicka directly quotes Ronald Dworkin as saying that culture “provides the spectacles through which we identify experiences as valuable.”³²⁷ Kymlicka then builds on this premise, to show why minorities require access to their own culture, and not just the culture of the majority population. Given that Kymlicka is mostly interested in national minorities and not immigrants, the crux of his argument is that access to culture is something that most people are expected to want, and keeping away them away from that culture will be detrimental³²⁸.

In *Multicultural Citizenship*, Kymlicka does not give an argument as to why it is true that in order “to have a belief about the value of a practice is, in the first instance, a matter of understanding the meanings attached to it by our culture.”³²⁹ One reason is that could have been building upon the works of Dworkin, which he so numerous cites within this passage. Yet, this small statement is of great importance because it deals with rationality and objectivity. Since René Descartes (d. 1650) – the famous mathematician, scientist, and philosopher - there has been a lot of value given to the rational model of “disengaged reason;”³³⁰ one stands at a distance from the object of

³²⁵ Ibid.

³²⁶ Ibid., 83.

³²⁷ Ronald Dworkin, *A Matter of Principle* (Oxford: Clarendon Press, 1986), 228.

³²⁸ Kymlicka, *Multicultural Citizenship*, 86.

³²⁹ Ibid., 83.

³³⁰ Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge: Cambridge University Press, 1989), 143-159.

observation and tries to analyze that object without any inherent bias, cultural or otherwise. This lead Descartes to search for Archimedean points. But Kymlicka is suggesting that individuals do not make decisions in a hypothetical state of disengagement, but rather they make decisions by working through their cultural biases. I find this to be rather similar to the arguments that Gadamer has put forward in his philosophical hermeneutics, or Taylor's arguments about the horizons of significance. The question then remains as to how Kymlicka differentiates himself from communitarian thinkers such as Taylor.

Kymlicka vs the Communitarians

In his book *Contemporary Political Philosophy* Kymlicka engages in a long discussion with communitarians. He is mostly in discussion with two communitarians in particular: Michael Sandel and Charles Taylor. In regards, to Sandel, Kymlicka mostly refutes Sandel's arguments about how the individual is embedded with her ends. Kymlicka argues that even though the individual is embedded with her ends, she can still imagine herself with different ends. He considers Sandel's conception of the embedded self as being insusceptible to revision. I do not think that Sandel's construction of the embedded self is as authoritative as Kymlicka has made it out to be.

In regards to Taylor, Kymlicka argues that Taylor's arguments do present a real challenge to liberals. Specifically, Taylor's argument - as worded by Kymlicka - that "people will not respect the claims of others unless they are bound by shared conceptions of the good, unless they can identify with a politics of the common good."³³¹ Kymlicka considers Rawls and Dworkin to be sociologically naive in assuming that that people's political will is sufficient for unity. For Kymlicka, political unity is *necessary* but not *sufficient*. Yet this presents a problem for Kymlicka's liberalism, for he needs a concept of social unity that is thicker than simple liberal principles but at the same time does not the same is not a thick conception of the good life. It is here that Kymlicka dwells on theories of nationalism.

³³¹Kymlicka, *Contemporary Political Philosophy*, 253.

Analysis of the Argument of Greater Choice

There are however, two criticisms to Kymlicka's analysis of culture as choice that I believe are applicable here, both of which come from Gerald Dworkin. The first is the mere fact of having choices does not have intrinsic value. Although Dworkin wrote his book in the late 80's, recent scholarship has given much weight to Dworkin's argument. Renata Salecl in a recent book by titled *The Tyranny of Choice* argues that choice itself adds to our anxieties.³³² Psychologist Barry Schwartz builds upon the many studies conducted in modern psychology and argues strongly in *The Paradox of Choice* that sometimes having less choice gives greater benefit.³³³ Recent psychological research conducted by Sheena Iyengar and Mark Lepper show that too much choice is even demotivating in their article "When choice is demotivating."³³⁴ Although some of the research has been contested by other Psychologists,³³⁵ the mean effect between a lot and a little choice was effectively zero. Meaning more choice was not worse, but neither was it better. Clearly, we can see how it would be a daunting task if we were to analyze and choose from all of the 5,000 different cultures that Kymlicka approximates are currently available.

Dworkin, however, builds upon this criticism to reach the conclusion that while choice itself does not have intrinsic value, it is the fact that we are recognized as agents capable of making choices that has value.³³⁶ This is more in line with Taylor's arguments for multiculturalism that he labels the *politics of recognition*.³³⁷

The second point that Dworkin makes is that "choices are not valued for what they produce nor for what they are in themselves, but as constitutive of a certain ideal of a good life. What makes a life *ours* is that it is shaped by

³³²Renata Salecl, *The Tyranny of Choice* (London: Profile, 2011).

³³³Barry Schwartz, *The Paradox of Choice: Why More Is Less* (New York: Ecco, 2004).

³³⁴Sheena S. Iyengar and Mark R. Lepper, "When Choice Is Demotivating: Can One Desire Too Much of a Good Thing?" *Journal of Personality and Social Psychology* 79, no. 6 (2000): 995–1006.

³³⁵Benjamin Scheibehenne, Rainer Greifeneder, and Peter M. Todd, "Can There Ever Be Too Many Options? A Meta-Analytic Review of Choice Overload," *Journal of Consumer Research* 37, no. 3 (October 2010): 409–25, doi:[10.1086/651235](https://doi.org/10.1086/651235).

³³⁶Dworkin, *The Theory and Practice of Autonomy*, 80.

³³⁷Charles Taylor, *Multiculturalism and "the Politics of Recognition": An Essay*, ed. Amy Gutmann (Princeton: Princeton University Press, 1992).

our choice... therefore choice is valued as necessary part of a larger complex.”³³⁸

Moving Past Benign Neglect

Kymlicka argues that one of the main assumptions of the liberal state is that operates on the premise of ‘benign neglect.’ This is the model of liberalism inherited from the liberal states approach to religion. Thus religion is “something which people should be free to pursue in their private life, but which is not the concern of the state (so long as they respect the rights of others).”³³⁹ This concept of benign neglect is expected to apply to culture as well, such that a liberal state will not establish an official religion, it should not establish an official culture over other cultures.

Kymlicka differentiates between benign neglect and liberal neutrality. So while liberal neutrality states that the state should not rank values based upon the conception of the good life, it does nonetheless promote certain values or attributes over others. The classic example is that while the state will not say English is more valuable than French, the state will promote English as the official language.³⁴⁰ Liberal neutrality simply rules out the arguments that the state may use in favor of a certain policy, but it does not rule out the possibility of having an official state policy.

In regards to religion, liberal neutrality states that the state cannot promote a national religion because it is a true religion, but it would be permissible if the state were to see a national religion as promoting a harmonious society.³⁴¹ Benign neglect, however, requires that the state make no comment about a national religion, to avoid any policy that would benefit one religion over the other.

Kymlicka argues that the model of benign neglect works with religion, it does not work with cultural policies. This is simply because a state cannot choose to neglect issues of culture. It is possible for a state to forgo an official religion, but it is not possible for a state to to forgo an official language. As he writes:

³³⁸Dworkin, *The Theory and Practice of Autonomy*, 80.

³³⁹Kymlicka, *Contemporary Political Philosophy*, 344.

³⁴⁰*Ibid.*, 344.

³⁴¹*Ibid.*, 344.

The idea of responding to cultural differences with 'benign neglect' makes no sense. Government decisions on languages, internal boundaries, public holidays, and state symbols unavoidably involve recognizing, accommodating, and supporting the needs and identities of particular cultural identities, and thereby disadvantages others.³⁴²

Modood's Criticism of Benign Neglect

It is precisely at this point that Tariq Modood finds fault with Kymlicka. Modood argues while Kymlicka correctly states that benign neglect is not an appropriate model to use for cultural policies, he argues that benign neglect is not an appropriate model to use with religion in the first place.

One of the arguments as to why benign neglect is applicable to religion is that religion is categorically different than other cultural issues such as language. First, religion is optional, while other issues such as language are not. A state can function without a religion, but a state cannot function without an official language. Second, it is possible to learn multiple languages but it is not possible to be a member of multiple religions.

But Modood counters these arguments by stating that there is no reason to treat religion as categorically different. There are attributes of societal culture that are optional but Kymlicka still advocates for their adherence. Moreover, it is possible to have a multi-religious state and Modood regards Germany and India as being quasi-multi-religious. In addition, the case of exclusivity would not make religion different from other issues such as gender. An individual can only have one sex but it does not mean that a state must be gender blind in its policies.³⁴³

Liberal Nationalism

The fact that Kymlicka gives importance to culture also means that he must come up with a plan for societal culture. This leads Kymlicka to liberal nationalism. "According to liberal nationalism, it is a legitimate function of the state to protect and promote the national cultures and languages of the nations within its borders."³⁴⁴ In *Politics in the Vernacular* Kymlicka goes through a list of how *liberal* nationalism differs from normal nationalism.

³⁴²Kymlicka, *Multicultural Citizenship*, 108.

³⁴³Tariq Modood, *Multiculturalism* (Cambridge: Polity, 2013), 27–28.

³⁴⁴Kymlicka, *Politics in the Vernacular*, 39.

Moreover, he considers liberal nationalism, and liberal multiculturalism, to be subsets of liberal culturalism. Liberal culturalism is:

...the view that liberal-democratic states should not only uphold the familiar set of common civil and political rights of citizenship which are protected in all liberal democracies; they must also adopt various group-specific rights or policies which are intended to recognize and accommodate the distinctive identities and needs of ethnocultural groups.³⁴⁵

Moreover, Kymlicka argues that the development of culture is dependent on public institutions:

Sustaining a societal culture in the modern world is not a matter of having yearly ethnic festivals, or having a few classes taught in one's mother-tongue as a child. It is a matter of creating and sustaining a set of public institutions which enables a minority group to participate in the modern world through the use of its own language.³⁴⁶

In short, Kymlicka argues that autonomy is dependent on societal culture, and societal culture is in turn dependent on public institutions. Therefore, government is justified in building public institutions with the purpose of developing a national liberal culture. This is what Kymlicka also labels as nation-building. But matters are complicated when Kymlicka's approach is applied to religion. If public institutions can be used to develop culture, can, and should, they be used to also develop a national religion? This is a problem I believe that is approached by Tariq Modood.

To add to the complexity, Kymlicka makes a sharp distinction between immigrant and national minorities. The main distinction is that national minorities have resisted integration and have tried to maintain their own societal culture, while immigrants have left their previous culture and accept that they now have to integrate into the existing culture. So while national minorities will try to develop political institutions to develop their societal cultures, immigrants will try to negotiate better terms of integration³⁴⁷.

³⁴⁵Will Kymlicka, *States, Nations and Cultures* (Van Gorcum, 1997); 55.

³⁴⁶*Ibid.*, 42.

³⁴⁷*Ibid.*, 151–76.

The Limits of Freedom

For Kymlicka, however, liberty is not unbounded and limitless concept, especially when it comes to culture. Although he fears that his views might “sound like a rather ‘communitarian’ view of the self” he argues that:

The freedom which liberals demand for individuals is not primarily the freedom to go beyond one’s language and history, but rather the freedom to move around within one’s societal culture, to distance oneself from particular cultural roles, to choose which features of the culture are most worth developing, and which are without value.³⁴⁸

Kymlicka differentiates his view from communitarians by stating that communitarians, namely Sandel, see the individual and her ends as being identical, such that it is not possible for one to revise those ends. Where as Kymlicka argues that while the individual is attached strongly to her ends, and a revision might be very difficult, it is nonetheless still possible.

Politics of Identity vs Choice

While Kymlicka’s theories have been analyzed from many sides, one of the most interesting critiques comes from within the sphere of multiculturalism itself by Tariq Modood. Modood criticizes Kymlicka for sidelining immigrants and religion. Modood thus focuses on religious immigrants, specifically immigrant Muslim populations in Europe.

Modood argues that the reason Kymlicka has developed a “liberal bias” is that he begins with, and is only concerned with, the concept of autonomy.

The root of the problem is the idea of the ‘context of choice’. It emerges as a central idea, as though it were a question in need of an answer, only because we begin with the liberal assumption that we are searching for individual autonomy. And the ‘answer’ or endpoint to this search - societal culture- is as we have seen an inadequate basis for founding a theory of post-immigration multiculturalism.³⁴⁹

Modood argues that a better starting point is the politics of recognition, and here Modood cites Young, Parekh, and Taylor. A significant point of difference is that while Modood does build his version of multiculturalism upon the works of Parekh and Taylor, Modood is trying to ground multiculturalism in a strict political version, where as Taylor and Parekh have broader

³⁴⁸Kymlicka, Multicultural Citizenship, 91.

³⁴⁹Modood, Multiculturalism, 35.

philosophical basis³⁵⁰ Here I will focus on solely the works of Charles Taylor, for he his work on the self and modern identity, secularism, and multicultutralism are the most relevant to the discussion at hand.

Taylor succinctly describes his endeavour of developing a politics of difference.

The thesis is that our identity is partly shaped by recognition or its absence, often by the *mis*recognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves.³⁵¹

Moreover, Taylor describes the formation of identity is essentially a dialogue. It is created between the individual and significant others.

This crucial feature of human life is its fundamentally dialogical character. We become full human agents, capable of understanding ourselves, and hence of defining our identity, through our acquisition of rich human languages of expression.³⁵²

Thus for Taylor, and as well for Modood, culture and identity are of importance simply because of it's centrality to the individual.

Multiculturalism and Secularism

Modood makes a rather keen observation. The integration of Muslims into liberal democracies differs from other types of integration, such race or sexual orientation, because it religious. That religiousness therefor entails a rethinking of secularism.

Marginalized and other religious groups, most notably Muslims, are now utilizing the same kind of argument and making a claim that religious identity, just like gay identity, and just like certain forms of racial identity, should not just be privatized or tolerated, but should be part of the public space.³⁵³

While this inclusion runs against certain interpretations of secularism, it is not inconsistent with what secularism means in practice in Europe. We should let this evolving, moderate secularism and the spirit of compromise it represents be our guide.³⁵⁴

³⁵⁰Ibid., 66.

³⁵¹Taylor, Multiculturalism and "the Politics of Recognition", 25.

³⁵²Ibid., 32.

³⁵³Modood, Multiculturalism, 70.

³⁵⁴Ibid., 85.

The Public Sphere as a Standard of Civilisation

The arguments that have been discussed above about the individual being embedded in a tradition or culture require a space in which deliberation and dialogue is being conducted. The notion of a public sphere helps identify the places and means by which this deliberation is taking form. The term, public sphere, was popularized by Habermas, and by it he meant the area of public life where people come together to openly discuss issues which affect politics. The term has gained currency in political philosophy and has been defined as the “discursive space in which individuals and groups congregate to discuss matters of mutual interest and, where possible, to reach a common judgment.”³⁵⁵

Habermas argued that the public sphere in Europe became understood in secular terms, yet in his recent works he has been advocating the inclusion religion in the public sphere.³⁵⁶ Habermas believes that Rawls’ approach to justice, which requires religious citizens to put aside their religious identities, is not practical and it is unnecessarily burdensome.³⁵⁷ He argues for the inclusion of religion in the public sphere, and notably that religion must be translated to rational concepts when it is being presented to the public. This is because religion is a private affair, and it is difficult for those who are outside of that religious framework to understand those private religious experiences.³⁵⁸ The transfer ideas and organization of society is thus dependent on rationality.

There are a few points that require clarification regards to the public sphere. The first is that while certain aspects of modernity are cultural, and it is possible to have multiple modernities, there are certain aspects of it that are

³⁵⁵Gerard A. Hauser, “Vernacular Dialogue and the Rhetoricity of Public Opinion,” *Communication Monographs* 65, no. 2 (June 1, 1998): 86.

³⁵⁶Jürgen Habermas, “‘The Political’: The Rational Meaning of a Questionable Inheritance of Political Theology,” in *The Power of Religion in the Public Sphere*, ed. Eduardo Mendieta and Jonathan Van Antwerpen, Columbia/SSRC Book (New York: Columbia University Press, 2011), 15–33.

³⁵⁷Maeve Cooke, “Salvaging and Secularizing the Semantic Contents of Religion: The Limitations of Habermas’s Postmetaphysical Proposal,” *International Journal for Philosophy of Religion* 60, no. 1 (November 16, 2006): 187–207, doi:[10.1007/s11153-006-0006-5](https://doi.org/10.1007/s11153-006-0006-5).

³⁵⁸Craig Calhoun, “Afterword: Religion’s Many Powers,” in *The Power of Religion in the Public Sphere*, ed. Eduardo Mendieta and Jonathan VanAntwerpen, Columbia/SSRC Book (New York: Columbia University Press, 2011), 118–34.

acultural. For example, it not would be possible to imagine a modern society without that does not incorporate a notion of modern science and modern technology. Similarly, it is not possible to imagine a modern nation without a concept of a public sphere in which the people deliberate over various issues. The attempt of many authoritarian states to control the public sphere and mass media is a testament to this fact. Moreover, the development of democracy as a new standard of civilization essential requires that all states adhere to democratic norms.

Second, modernity has brought about drastic changes to the public sphere in terms of technology and mass media.³⁵⁹ This also means that it will be a new concept to tackle in terms of Islamic law. While Islamic law has discussed issues that are somewhat related to the issue of the public sphere, such as *kutub al-dhāleh* or heretical books,³⁶⁰ the public sphere has undergone novel changes, as described by Charles Taylor:

Modernity involves the coming to be of new kinds of public space, which cannot be accounted for in terms of changes in explicit views, either of factual belief or of normative principle. Rather the transition involves to some extent the definition of new possible spaces hitherto outside the repertory of our forebears, and beyond the limits of their social imaginary.³⁶¹

Third, while the public sphere in the West did arise from a secular sphere, the public sphere in Iran arose from a religious sphere. During both the constitutional revolution and the Islamic revolution the clergy were spearheading the movement for a broader engagement in the public sphere. Masoud Kamali argues the most important institution within the Iranian public sphere has been the *manbar*, pulpit.³⁶² The locales of many of these public

³⁵⁹ Dale F. Eickelman and Armando Salvatore, "The Public Sphere and Muslim Identities" 43, no. 01 (April 2002): 92–115. Dale F. Eickelman, 'Islam and the Languages of Modernity', *Daedalus* 129, no. 1 (2000): 119–35. Fariba Adelkhah, *Being Modern in Iran*, trans. Jonathan Derrick (London: Hurst and Company, 1999).

³⁶⁰ Muḥammad Sarshār, "Nigahī Bī Mas'aleh-ye Fiqhī Kutub Ḍalāl va Rabiṭeh-ye Ān Bā Nashrīyat," *Guvāh*, no. 12 (January 4, 1387): 29–35, <http://www.noormags.ir/view/fa/articlepage/939982/نظرات-کتاب-فقهی-مسئله-نگاهی-نشریاتی-کتاب-انبار>.

³⁶¹ Charles Taylor, "Modernity and the Rise of the Public Sphere" (The Tanner Lectures on Human Values, February 25, 1992), 219, http://tannerlectures.utah.edu/_documents/a-to-z/t/Taylor93.pdf.

³⁶² Masoud Kamali, "Civil Society and Islam: A Sociological Perspective", *European Journal of Sociology / Archives Européennes de Sociologie* 42, no. 03 (December 2001): 457–82.

interactions were religious establishments, such as mosques and *hussaynīeh*'s. Ayatollah Khomeini himself is a rather exemplary example of this trend.³⁶³

The final point is that the public sphere works outside the confines of authority. This includes both political and religious authority. Hence, one will find many articles and books written by high ranking scholars for the conception in the public sphere. There is an understanding that the promotion of their Islamic ideals will not happen because of their authority, but because they were able to convince people through a deliberation in the public sphere.

The concept of the public sphere, however, goes beyond merely being a ideal of social interaction. Arguably, deliberation in the public sphere is a process that justifies beliefs and actions. Such that, if a belief or course of action does not go through some sort of deliberation in the public sphere it will be seen as illegitimate. Part of this goes to a concept which has been discussed in international relations theory, namely the concept of the standard of civilization.

The concept of the 'standard of civilization' (SOC) comes from the 19th century norms of international behavior and rules of law which the European powers required other states to meet if they were to join the new international society. For the new international society, individualism has become a new 'standard of civilization.'

By the middle of the nineteenth century...legitimate statehood and rightful state action were henceforth increasingly tied to the augmentation of individuals' purposes and potentialities. As a consequence, the authoritative norm of procedural justice was supplanted by a new principle that prescribed the legislative codification of formal, reciprocally binding rules of conduct. The ascendance of these new constitutional values marks the birth of modern international society, and the rise of this new "standard of civilization" provided the crucial catalyst for the development of the fundamental institutions of contractual international law and multilateralism.³⁶⁴

³⁶³ Masoud Kamali, *Revolutionary Iran: Civil State and State in the Modernization Process* (Aldershot: Ashgate, 1998).

³⁶⁴ Christian Reus-Smit, *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations*, Princeton Studies in International History and Politics. Y (Princeton: Princeton University Press, 1999), 122–23.

The seminal work on this topic is Gong's *The Standard of Civilization*. He describes how imperialism brought with it certain standards by which they would mark other countries as civilized. Fidler in *The Return of the Standard of Civilization* argues that SOC has come back to international law, now in the face of liberal-democracy.³⁶⁵ Tom Franck argues the same thing in "The Emerging Right to Democratic Governance."³⁶⁶ Susan Marks has a more contemporary critique on Franck in "What Has Become of the Emerging Right to Democratic Governance?"³⁶⁷ Jack Donnelly argues along the same lines in "Human Rights as a New Standard of Civilization." Christian Reus-Smith describes the history of this standard in *The Moral Purpose of the State*.³⁶⁸ Kingsbury, in "Sovereignty and Inequality" argues that we should respect sovereignty and not try to impose our liberal values on other states.³⁶⁹ Brett Bowden in *The Empire of Civilization* reiterates some of these positions.³⁷⁰

The big picture is usually carried out in some constructivist form. In order for nations to be accepted into the international society they must consist of some basic standards. During the 18th- 19th century that consisted of some sort of hobbesian standard of sovereignty. States were required to have the basic infrastructure necessary to conduct trade and international diplomacy with the European international society. It resulted in what Fidler calls the "Westphalian civilization": "The standard did not require non-western countries to be fully western; it merely required them to be Westphalian in their ability to interact in the international system and international society."³⁷¹

But the SOC has made a return, one that is deeper and penetrates to the core of civilization. It is more interested in establishing liberalism and the its radical proponents see "the liberal west as the vanguard of a transformed

³⁶⁵David Fidler, "The Return of the Standard of Civilization," *Chicago Journal of International Law* 2, no. 1 (April 1, 2001), <http://chicagounbound.uchicago.edu/cjil/vol2/iss1/9>.

³⁶⁶Thomas M. Franck, "The Emerging Right to Democratic Governance," *The American Journal of International Law* 86, no. 1 (January 1, 1992): 46–91, doi:[10.2307/2203138](https://doi.org/10.2307/2203138).

³⁶⁷Susan Marks, "What Has Become of the Emerging Right to Democratic Governance?" *European Journal of International Law* 22, no. 2 (May 1, 2011): 507–24, doi:[10.1093/ejil/chr023](https://doi.org/10.1093/ejil/chr023).

³⁶⁸Reus-Smit, *Moral Purpose of the State*.

³⁶⁹Benedict Kingsbury, "Sovereignty and Inequality," in *Inequality, Globalization, and World Politics*, ed. Andrew Hurrell and Ngaire Woods (Oxford: Oxford University Press, 1999).

³⁷⁰Brett Bowden, *The Empire of Civilization: The Evolution of an Imperial Idea* (Chicago: University of Chicago Press, 2009), 187.

³⁷¹Fidler, "The Return of the Standard of Civilization."

global legal order” that contains a “new standard of civilization” promulgated “to promote the advancement of the backward.”³⁷²

An example of the power of this ‘standard of civilization’ are the current debates within Iran about the upcoming elections. With a new round of presidential elections due this summer, and in light of the turmoil of the 2008 elections, several dissident voices such as former President Hashemi-Rafsanjani, declared that the elections must be “free.”³⁷³ This was in reference to the vetting of reformist presidential candidates undertaken by the Guardian Council. This brought about a severe backlash from the Supreme Leader who stated that “since when have the elections not been free?” and that these type of statements only help the arrogant powers.³⁷⁴ It can only be a help to the “arrogant powers” if restricted elections are seen as delegitimizing the current government. A restricted election does not meet the ‘standard of civilization.’

There is, however, a shift in understanding of the public sphere. There is more emphasis within International Relations on intersubjectivity and the discursive nature of the public sphere. This is most clearly defined in Reus-Smit’s *the Moral Purpose of the State*. Reus-Smit sets out to analyze fundamental institutions and discover why these institutions will differ among societies. His analysis is dependent upon Habermas’ communicative action theory.

Following Hedley Bull, Reus-Smit argues that states have two fundamental problems of cooperation; collaboration and coordination.³⁷⁵ States have to collaborate to achieve common interests and they have to coordinate collective action in the pursuit of outcomes. In order to meet these problems states develop fundamental institutions. These fundamental institutions are “the elementary rules of practice that states formulate to solve

³⁷²Kingsbury, “Sovereignty and Inequality.”

³⁷³ “Hushdār-i Rahbar-i Irān: Dā’man Nagūīd Intikhābāt Bāyad Āzād Bāshad”, *BBC Persian*, 8 January 2013, http://www.bbc.com/persian/iran/2013/01/130108_l39_khamenei_ir92election.shtml.

³⁷⁴Ibid.

³⁷⁵Reus-Smit, *Moral Purpose of the State*, 14.

the coordination and collaboration problems associated with coexistence under anarchy.”³⁷⁶

These fundamental institutions are, however, based on constitutive metavalues, which he labels as constitutional structures.³⁷⁷ Reus-Smit argues that constructivists have so far based too little attention on these metavalues.³⁷⁸ He defines constitutional structures as such:

Constitutional structures are coherent ensembles of intersubjective beliefs, principles, and norms that perform two functions in ordering international societies: they define what constitutes a legitimate actor, entitled to all the rights and privileges of statehood; and they define the basic parameters of rightful state action.³⁷⁹

These constitutional structures, therefore, define the state and delimit legitimate state action. One of the three main core components of these constitutional values is the belief of the moral purpose of the state. Reus-Smit writes that:

Hegemonic beliefs about the moral purpose of the state represent the core of this normative complex, providing the justificatory foundations for the principle of sovereignty and the prevailing norm of pure procedural justice.³⁸⁰

In short, the moral purpose of the state defines what constitutes a legitimate state and legitimate state action. Reus-Smit then begins an analysis of four different time periods through out western history that have described different moral purposes for the existence of the state. The last era is the era of the modern international society.

...That is, in each of these three cases the moral purpose of the state was linked to the preservation or cultivation of a particular type of collective life: for the ancient Greeks it was the cultivation of *bios politikos*, for the Renaissance Italians it was the pursuit of civic glory, and for the Europeans of the absolutist period it was the maintenance of a divinely ordained social order....The moral purpose of the modern state lies in the augmentation of individuals' purposes and potentialities, in the cultivation of a social, economic and political order that enables individuals to engage in the self-directed pursuit of their "interests."³⁸¹

³⁷⁶Ibid., 14.

³⁷⁷Ibid., 6.

³⁷⁸Ibid., 6.

³⁷⁹Ibid., 30.

³⁸⁰Ibid., 31.

³⁸¹Ibid., 123.

As is evident from Reus-Smit's analysis, there is a strong link between the moral purpose of the state and its fundamental institutions. Thus as the moral purpose of the state changed within society so did the fundamental institutions. Yet Reus-Smit takes his analysis further, for these moral purposes themselves do not live in a vacuum. Reus-Smit therefore grounds his theory of moral purposes in Habermas' theory of communicative action.³⁸² He argues that by using Habermas' communicative action theory, he is able to embed his principle of sovereignty within a "wider complex of metavalues..."³⁸³

Without going into the particulars of Habermas' theory, Reus-Smit uses communicative action theory to show that when a state formulates, maintains, or redefines the fundamental institutional rules they are in essence debating about how a legitimate state should act. This debate does not occur in isolation but "rather takes place within the context of preexisting values that define legitimate agency and action."³⁸⁴ There is therefore a discursive element to state action, a giving and taking of reasons, which occur within preexisting values.

Thomas McCarthy in the introduction to the authoritative transition of Habermas' *The Theory of Communicative Action* states that one of Habermas' main concerns was "to develop a concept of rationality that is no longer tied to, and limited by, the subjectivistic and individualistic premises of modern philosophy and social theory."³⁸⁵ The ramifications of Habermas' rethinking of rationality has been a rethinking of the public sphere and state legitimacy.

Conclusion

This chapter shows how the concept of a social-embedded understanding of autonomy has taken place within liberal thought. From Rawls to Reus-Smit there has been a greater emphasis the embeddedness of the individual. Kwame Appiah's moral and political philosophy shows the

³⁸²Ibid., 27.

³⁸³Ibid., 27.

³⁸⁴Ibid., 27.

³⁸⁵Jürgen Habermas, *The Theory of Communicative Action*, trans. Thomas McCarthy (Boston: Beacon Press, 1984) vi.

extent that communitarian understandings of the self have influenced liberal philosophy.

The individualistic understanding of autonomy within Shi'i thought is at times in contrast with the very sources of inspiration from which this understanding of the self is said to originate from. As shown in the previous chapter, the individualism put forward by Shabestari contradict Gadamer's understanding of autonomy and the self, and is in direct conflict with modern liberal conceptions of the self. Moreover, Shabestari's individualism puts to risk the very understanding of the public sphere as an intersubjective deliberation. It denies the very discursive means by which political action is justified.

The individualism that has been put forward by reformists such as Shabestari has dominated the debates taking place within Shi'i thought. Given the movement away from individualistic understandings of the self, it is fruitful to begin a new discussion on how this socially embedded understanding of autonomy will fit in reflective equilibrium within Shi'i thought.

This chapter sets the background for the proceeding two arguments, by showing that a socially embedded understanding of the self does not deny autonomy. However, there are other conceptions within Shi'i thought are used to deny autonomy, such as *taqlīd* the commandment of forbidding wrong. In the following section, it is through the use of this socially-embedded self that I hope to show it is possible to both perform the obligation of forbidding wrong and respect autonomy. The following section will discuss the issue of *ijtihād* and autonomy.

The Paternalism of 'Amr bi al-Ma'rūf

Within Shi'ism, state and communal paternalism is at times justified on the grounds of *al-'amr bi al-ma'rūf wa nahī 'alā munkar*, promoting good and forbidding wrong. Examples of this are given below. The concept of forbidding wrong provides a moral purpose for the community by stating that the moral purpose of the community is to increase faith and righteous deeds. By moral purpose I mean a paradigm which establishes the norms of behaviour and justifies social interaction. This moral purpose of forbidding

wrong can be shown through the traditional sources as well as the writings of Shi'i scholars in both the formative and contemporary eras.

A great deal of analysis has already been written on the pivotal role that forbidding wrong plays in Shi'i thought, both in the Islamic literature and Western academia.³⁸⁶ Thus the first half of the section will quickly overview some of the more important features of this concept. It will discuss the importance of forbidding wrong, its roots in the traditional literature, and finally comment about the extensive coverage this concept has gained in Islamic law.

The emphasis of this chapter will be to highlight the importance of one of the conditions of forbidding wrong, and that is the condition of efficacy. One of the well established conditions of forbidding wrong is that the person who is forbidding wrong must know that their action will have an effect. If there is no effect then the person has no responsibility.

This condition has, however, generally been taken very loosely. There are no constraints on the condition, such that the person who is going to forbid wrong must be able to prove that their action is going to have a positive effect. Instead all efforts were made to make this condition pass with the least amount of resistance.

I will propose that in fact many of the actions that are taken under the guise of forbidding wrong that violate a person's autonomy do not meet the

³⁸⁶ Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2000); Willem Floor, "The Office of Muhtasib in Iran", *Iranian Studies* 18, no. 1 (1985): 53–74. Husayn al-Nūrī al-Hamadānī, *al-'Amr bi al-Ma'rūf wa Nahī 'alā Munkar*, <http://www.noorihamedani.com/files/51d7d83500a04.pdf>; Muḥsin Kharāzī, *Al-'Amr bi Al-Ma'rūf wa Nahī 'alā Munkar* (Qum: Mu'asasah al-Nashr al-Islāmī, 2013); Ḥaydar Ḥuballāh, *Fiqh al-'Amr bi al-M'arūf wa al-Nahī 'an al-Munkar* (Dār al-Fiqh al-Islāmī al-Mu'āsir, 2011); Zuhreh Akbarī and Zahra Kāshānīhā, "Ravish-hāye Şaḥīḥ Amr bih Ma'rūf va Nahī az Munkar dar Ta'līm va Tarbiyat Farzandān", *Payvand* (2012): 16–19; 'Abd al-Ḥusayn Radh'ī Rād, *Amr bih Ma'rūf dar Tarāzūyi 'Aql* (Qum: Būstān-i Kitāb, 2008); 'Abd al-Ḥusayn Ridhā'ī Rād, *Amr bih Ma'rūf dar Tarāzūyi Tārīkh* (Qum: Būstān-i Kitāb, 2010).

condition of efficacy. Evidence for this will be provided in detail in the following chapter.

Importance of Forbidding Wrong

As explained above, the phrase *al-amr bi al-ma'rūf wa al-nahy 'an al-munkar* translates to “commanding right and forbidding wrong.” Following Michael Cook’s example, I will refer to it simply as forbidding wrong. Each Muslim is required to encourage others to do righteous deeds, and stop others from doing wrong deeds. Within traditional Shi’i thought, forbidding wrong is not merely one of the *al-wajibāt* or obligatory actions, it is considered as one of the most important obligatory acts. Ayatollah Wahid Khorasani begins the section on the rulings of forbidding wrong in his *risāl-e ‘amaliyah* by stating that “one of the most important obligatory acts upon a *mukalif* is commanding the good and forbidding wrong.”³⁸⁷

There are many different types of actions that could be considered as forbidding wrong. The majority of these actions consist of verbal condemnation or appraisal.³⁸⁸ Giving sermons in mosques, creating documentaries on television, writing articles in newspapers, setting up youth meetings in parks would all fall under the umbrella of forbidding wrong.³⁸⁹

A rather interesting example are the reactions to the introduction of mobile video conferencing that was brought into operation by Iran’s newest mobile phone network operator Rightel. The technology allows customers to see each other over the video network provided by mobile internet services. This caused an uproar in conservative circles and several prominent *marāja’* have issued rulings stating that this technology is harmful for Iranian society. There is a website dedicated to this issue named *Sarāb-e Rightel* or “The Rightel Mirage.”³⁹⁰ Referring to the fact that the social and technological progress that

³⁸⁷ Wahid Khorasani, “Aḥkām-E ‘Amr Bi Ma’rūf Va Nahī Az Munkar,” accessed August 10, 2015,

http://old.wahidkhorasani.com/web/index.php?option=com_content&view=article&id=1343&Itemid=390&lang=fa.

³⁸⁸ Ḥuballāh, *Fiqh al-‘Amr bi al-Ma’rūf*, 455-517; Ridhā’ī Rād, *Amr bih Ma’rūf*, 121-178; Zuhreh Akbarī and Zahra Kāshānīhā, “Ravish-hāye Şaḥīṭh”, 16–19.; Cook, *Commanding Right*, 542-548.

³⁸⁹ Ibid.

³⁹⁰ “Sarāb-E Rightel. Sarāb-E Rightel,” accessed August 10, 2015, <http://saraberightel.com/>.

is promised by Rightel is nothing but a mirage. The imagery of a mirage is common for issues relating to worldly and mundane things. The real things, or real gains, are gains that are seen in the hereafter. The website aggregates articles and criticisms that have appeared on other media outlets. On the front page of the website lists a number of prominent *marāja'* and scholars and that have spoken out against the company. This includes Ayatollah Makārim Shīrāzī, Ayatollah Ja'far Subḥānī, and Ayatollah Shubayrī Zanzānī. Various articles on the website specific refer to the issue of forbidding wrong, and that the critics have a right for their demands based on this issue.³⁹¹

The phrase *al-amr bi al-ma'rūf wa al-nahy 'an al-munkar* finds its origins in the Quran. It appears, in various forms, eight times in the Quran.³⁹² For example verse 3:104 states that: "Be a community that calls for what is good, urges what is right, and forbids what is wrong: those who do this are the successful ones."

While there are many verses of the Quran that discuss the importance of commanding good, there are also many *ḥadīth* that discuss its merits. Arguably, the *ḥadīth* emphasis commanding good with greater clarity than the Quranic verses. Many of these *ḥadīth* have become staples of various speeches and sermons. There is a widely quoted *ḥadīth* attributed to Imam Ridha: "When compared to commanding good and forbidding wrong, all good actions, even *jihād* in the name of God, are like a drop in the ocean."³⁹³

Ayatollah Wahid Khorasani explains the centrality of the concept of forbidding wrong to Islamic practice:

Enjoining good and forbidding wrong is the path of the prophets of Allah. It is through this religious obligation that the rest of the obligations and commandments are carried out. It paves the way for legal earnings, and guarantees the safety, life, dignity and property of

³⁹¹“Ra’īs-E Farhangstān-E ‘Ulūm-E Islāmī: Chih Kisī Goftah Rāytel Rā Bih Īrān Bīyāvarand? Sarāb-E Rightel,” accessed August 10, 2015, <http://saraberightel.com/?p=458>.

³⁹²Āl-Imrān: 104, Āl-Imrān: 110, Āl-Imrān: 114, al-‘A‘rāf: 157, al-Tawbah: 112, al-Ḥajj: 41, Luqmān: 17

³⁹³Ḥurr al-‘ĀmilīMuḥammad ibn al-Ḥasan, *Tafsīl Wasā’il Al-Shī’ah Ilā Tahqīl Masā’il Al-Sharī’ah* (Qum: Mu’asasat Āl al-Bayt li ‘Ilhād al-Turāth, 1994), 16: 134.

the general public. It restores the rights of those who are entitled to them, and purifies the earth from the filth of evil and sin, and revives it with goodness and righteousness.³⁹⁴

Forbidding wrong also has a long history in Islamic law, and also covered in the modern books of law written for the lay public. This is true for not only the Shi'i school of thought but others as well. First of all it is considered to be *wājib al-kifāyī* meaning that if there are an adequate number of individuals undertaking this task, then it is no longer obligatory on the remaining people.³⁹⁵ Otherwise, it remains obligatory such that if it is not undertaken each individual will be considered a sinner. Ayatollah Wahid Khorasani explains it as such:

2068. Enjoining good and forbidding wrong, given the conditions that will be elaborated, is an obligation which is *kifā'īyy*, meaning that if a sufficient number of people carry out this responsibility, the remaining will be excused from it. If they fail to do so, all will have sinned.³⁹⁶

The specifics about forbidding wrong will differ from scholar to scholar, and across different eras, but there is a universal consensus that it is an obligatory action. The concept of forbidding wrong has thus found its way into the actions of the state. Article 8 of the constitution of Iran states that:

In the Islamic Republic of Iran, *al-'amr bi al-ma'rūf wa al-nahy 'an al-munkar* is a universal and reciprocal duty of each individual, of the government with respect to the people, and of the people with respect to the government. This is in accordance with the Quranic verse, "The believers, men and women, are guardians of one another; they enjoin the good and forbid the wrong."

Mehrangiz Kar considers the concept of forbidding wrong as one of the two essential justifications that the state uses to justify its invasion into the private sphere.³⁹⁷ She lists a variety of different types of state interference under this rubric, such as the *hijāb*, choice of spouse, illicit sexual relations, and homosexuality. She also lists the corporal punishments for a variety of the

³⁹⁴ Wahid Khorasani, "The Rulings of Enjoining Good and Forbidding Evil. The Official Website for the G.A. Wahid Khorasani," accessed August 10, 2015, http://wahidkhorasani.com/English/Fatwa/Content/218_Fatwa/504_The-Precepts-of-Enjoining-Good-and-Forbidding-Evil.

³⁹⁵ Mujtabā Malakī Isfahānī, 'Vajib-I Kifā'i', *Farhang Iṣṭilāḥāt-i Uṣūl* (Qum: 'Ālamah, 2000).

³⁹⁶ Wahid Khorasani, "The Rulings of Enjoining Good ".

³⁹⁷ Mehrangiz Kar, "The Invasion of the Private Sphere in Iran," *Social Research: An International Quarterly* 70, no. 3 (2003): 829–36, https://muse.jhu.edu/journals/social_research/v070/70.3.kar.html.

above stated actions, and although the conditions and details of these punishments are generally discussed under the rubric of *ḥudūd* and not forbidding wrong, the enforcement of *hudūd* punishments is at times discussed under the topic of forbidding wrong.³⁹⁸

She also writes that “The obligation of enjoining the good and forbidding the wrong is an uncompromising Islamic principle.”³⁹⁹ This, however, is not the case in terms of traditional Islamic law. There are many conditions that must be fulfilled before forbidding wrong even becomes mandatory, as it will be shown below. One of these conditions is the condition efficacy. As I will argue, the condition of efficacy is exactly what allows for compromise; controlling means of forbidding wrong will not pass the condition of efficacy, but autonomy supportive means will.

The Condition of Efficacy

One of the conditions in forbidding wrong is the condition of efficacy. The condition of efficacy has been around since the earliest classical scholars. Ḥaydar Ḥubullāh in his masterful study of the concept of forbidding wrong cites 20 authors that mentioned the condition of efficacy. This list begins from Shaykh al-Mufīd and Shaykh al-Ṭusī and continues till Ayatollah al-Khoei and Ayatollah al-Sistani.⁴⁰⁰ Interestingly, the debates about forbidding wrong were initially held in books of *kalām*. This is probably due to the fact this was a part of a series of debates with Mu‘tazilite scholars. Mu‘tazilite scholars also had included this condition in their books.⁴⁰¹

³⁹⁸ Muḥsin Kharāzī, *al-‘Amr bi al-Ma‘rūf*, 160-209; Ḥuballāh, *Fiqh al-‘Amr bi al-Ma‘rūf*, 455-517; Ḥusayn-‘Alī Muntazarī, *Kitāb Al-Ḥudūd* (Qum: Dār al-Fikr, n.d.),

³⁹⁹ Mehrangiz Kar, “The Invasion of the Private Sphere in Iran,” 832.

⁴⁰⁰ Ḥuballāh, *Fiqh al-‘Amr bi al-Ma‘rūf*, 337; Muḥammad ibn Muḥammad al-Mufīd, *Al-Muqni‘ah* (Qum: Mu‘asasah al-Nashr al-Islāmī, 1989), 809; Murtaḍā ‘Alī ibn al-Ḥussayn Sharīf al-, *Al-Dhakhīrah Fī ‘Ilm Al-Kalām* (Qum: Mu‘asasat al-Nashr al-Islāmī, 1990), 555; Ṭūsī Muḥammad ibn al-Ḥasan, *Al-Iqtisād : Al-Hādī Ilā Ṭarīq Al-Rashād* (Beirut: Dār al-‘Adwā, 1986), 148; ‘Abū al-Qasim Khū‘ī, *Minhāj Al-Ṣāliḥīn*, 2 vols (Qum: Madīnah al-‘Ilm, 1989), Ali al-Sistani, “‘Ahkām-E ‘Amr Bi M‘arūf Wa Nahī Az Munkar - Tawzīḥ Al-Masā‘l,” accessed April 28, 2015, <http://www.sistani.org/persian/book/50/76/>.

⁴⁰⁰ Khorasani, “The Precepts of Enjoining Good and Forbidding Evil.”

⁴⁰¹ Cook, *Commanding Right*, 209; ‘Abd al-Jabbār al-Hamadānī, *Al-Uṣūl Al-Khamsah*, ed. Fayṣal Badīr ‘Awn (al-Shuwaikh: Kuwait: Kuwait University, 1998), 71-72; ‘Abd al-Jabbār al-Hamadānī, *Sharḥ Al-Uṣūl Al-Khamsah*, trans. Samīr Mustafā Rabāb (Beirut: Dār al-Aḥyā al-Turāth al-‘Arabī, 2001) 503-506.

It is standard practice to enumerate the conditions of forbidding wrong. There are five conditions that are generally mentioned. Below is a summary of Ayatollah Khorosani's variation of these conditions:

2069. The obligation to enjoin good and forbid wrong is contingent on some conditions:

1. The person enjoining good and forbidding wrong should have knowledge of what is good and what is wrong.
2. One should entertain the possibility that it will be effective. If however he knows that the person who is abstaining from what is right or committing what is wrong, will not pay heed to his advice, then it will not be obligatory upon him.
3. The person committing the sin or abstaining from goodness should not have ceased to abstain from goodness or committing of sin.
4. The person committing the sin or abstaining from goodness should not be excused in that case.
5. If he does not know whether the act of enjoining or prohibiting will be effective, then it should not jeopardize—owing to the act of enjoining or prohibiting—the life, honor, or wealth of a Muslim.⁴⁰²

An intellectual history of these conditions, such as those done by Micheal Cook and Ḥaydar Ḥubullāh, reveals that these conditions have been consistent over time, although there are slight variations. One of the most consistent conditions is the condition of efficacy. It is present in the earliest classical texts as well as contemporary works.

One of the earliest forms of this condition can be found in Sharif Murtaḍā's *al-Dhakhīrah fī 'ilm al-Kalām*. Sharif Murtaḍa states that the third condition of forbidding wrong is that one “must consider it possible that one's admonition will be effective in stopping the forbidden act.”⁴⁰³ Sheikh al-Tusi, following suit, also includes the condition with a similar wording.⁴⁰⁴

This condition of efficacy is still valid in modern texts. Nearly every jurist that has written on forbidding wrong has included this condition. I will present just a small sample from contemporary scholars. Ayatollah Wahid

⁴⁰²Wahid Khorasani, “The Precepts of Enjoining Good and Forbidding Evil. The Official Website for the G.A. Wahid Khorasani,” accessed May 12, 2015, http://wahidkhorasani.com/English/Fatwa/Content/218_Book-of-Verdicts/504_The-Precepts-of-Enjoining-Good-and-Forbidding-Evil.

⁴⁰³al-Sharīf al-Murtaḍā, *Al-Dhakhīrah*, 555

⁴⁰⁴al-Shaykh al-Ṭūsī *Al-Iqtisād*, 148.

Khorasani, as cited above, in his *Risālah ‘Amalīyyah* writes: “One should entertain the possibility that it will be effective. If however he knows that the person who is abstaining from what is right or committing what is wrong, will not pay heed to his advice, then it will not be obligatory upon him.”⁴⁰⁵

Ayatollah Sistani in his *Tawẓīḥ al-Masā’il* also states the same condition. Sistani, however, adds an extra layer of precaution. He states that even if there is no probability of effect it is still obligatory precaution to somehow express one’s disapproval. He is one of the few scholars to place such a precaution.⁴⁰⁶ He writes:

2- A probability of effectiveness on the wrongdoer. Thus, if one knows that their speech or admonitions do not have an effect, the popular opinion among jurists is that they have no obligation, and commanding right and forbidding wrong is not obligatory. Yet, it is an obligatory precaution that one somehow express that they are upset and do not approve of the said action to the wrongdoer, even if one knows that it will not have an effect.⁴⁰⁷

The official website of the Supreme Leader of Iran, Ayatollah Khamenei, has an elaborate discussion about what constitutes as a probability of effect in forbidding wrong. The website has a series of questions which are answered by Hujjat al-Islām Falāḥzādeh in accordance to Khamenei’s opinions. Falāḥzādeh has gained popularity over the past several years by being able to discuss complicated matters of Islamic law in an easy to understand manner. The website has a series of questions in regards to a variety of different topics that are answered by Falāḥzādeh. The site is unique in that it makes the fullest use of a multi-media format. There is a text based answer to the question accompanied by a video of Falāḥzādeh answering the question in greater detail. One of the questions on the website asks “What is meant precisely by the probability of efficacy in commanding right and prohibiting wrong?” The reply is as follows:

The probability of efficacy here means that it is greater than 50%; meaning for example that there is 60%, 70% probability that an action will have an effect. One is still not 100% sure but neither is one in doubt.

⁴⁰⁵Khorasani, “The Precepts of Enjoining Good and Forbidding Evil”

⁴⁰⁶ C.f. al-Mufīd, *Al-Muqni’ah* 809; al-Sharīf al-Murtaḍā, *Al-Dhakhīrah*, 555; al-Shaykh al-Tūsī *Al-Iqtisād*, 148; al-Khū’ī, *Minhāj Al-Ṣāliḥīn*, 1:351.

⁴⁰⁷ Ali al- Sistani, “‘Ahkām-E ‘Amr Bi M’arūf Wa Nahī Az Munkar - Tawẓīḥ Al-Masā’il,” accessed April 28, 2015, <http://www.sistani.org/persian/book/50/76/>.

However, if one did have doubt and gave 50/50 probability, then commanding right and forbidding wrong is not obligatory. Yet, if it does not have any irreligious outcomes (*mafsadeh*) one is allowed to carry on with the action and there is no problem. If the outcome was 50/50 and one did not command right and forbid wrong he has not forgone an obligatory act and there is no punishment.⁴⁰⁸

The website clarifies that there should be at least a good probability that an admonition will have effect, and if it does not have a good probability then forbidding wrong is no longer obligatory. It is also noteworthy that the reply states that it is possible for an admonition to have the reverse effect. That is that it might lead to an irreligious action. This is important to keep in mind, for the following chapter will show how attempts to control individuals at times encourages individuals to rebel.

This point is clarified elsewhere on the same webpage. The site states that if the condition is not met, only the status of obligation is removed from the admonition. Other scholars have stated that voiding this condition means that one is free to proceed,⁴⁰⁹ but is not obligated. However, if the admonition were to have an irreligious outcome (*mafsadeh*) then the admonition itself becomes sinful (*harām*).⁴¹⁰

An irreligious outcome, *mafsadeh*, is technical term that is described in the same page. One of the other conditions of forbidding wrong is that it does not cause harm. Different books will use different terminologies for this condition. Some will use *mafsadeh* and some will use *ḍarar*. Khamenai's website describes *mafsadeh* as such: "*mafsadeh* means that commanding and forbidding does not cause bodily or financial harm, and does not deface a person's reputation."⁴¹¹

Thus the concept of forbidding wrong moves across the entire classification scale. It is in theory an obligatory act, but depending upon its context of application it can become a sinful act. Given that the status of

⁴⁰⁸“Pāsukh Beh Su’ālāt-E Shar’ī-E Mukhāṭibān Darbāreh ‘Aḥkām-E ‘Amr Beh M’arūf Va Nahī Az Munkar,” text, (December 11, 2014), <http://farsi.khamenei.ir/news-content?id=28416>.

⁴⁰⁹Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought*, ACLS Humanities E-Book (Cambridge, UK: Cambridge University Press, 2000), 294.

⁴¹⁰“Pāsukh Beh Su’ālāt-E Shar’ī-E Mukhāṭibān Darbāreh ‘Aḥkām-E ‘Amr Beh M’arūf Va Nahī Az Munkar.”

⁴¹¹Ibid.

forbidding wrong sways from one end of the spectrum to the other, it would seem that it would be quite important to understand whether one's practice of forbidding wrong truly did have a practical effect. One should at least be cautious in forbidding wrong so as to not bring about the opposite of what was intended.

One scholar that does deny the condition of efficacy is the traditionalist scholar Muḥammad Ṣādiq Rawḥānī. He states that this commandment is for the common good. He then argues that the *ḥadīth* that scholars have used to prove this condition are either weak or the text does not clearly support this condition.⁴¹²

Nonetheless it is clear that this condition has been a part of forbidding wrong from the classical era. It is not obligatory to forbid wrong if it has no effect, and it is not sinful to forbid wrong if it leads to a *mafsidah*.

Ḥaydar Ḥuballāh entertains an interesting, yet relevant, question in regards to forbidding wrong. The question is in regards to the possibility of forbidding wrong having an unintended and opposite effect. Ḥubullāh writes that one of the questions asked to Ayatollah Khomeini was in regards to cases where forbidding wrong caused the individual to actually increase the number of times that they performed the act. Khomeini replied that in this case forbidding wrong is not obligatory. Ḥubullāh follows up saying that Khomeini's answer was correct, and that it is rational to assume that the purpose of forbidding wrong is decrease the number of sinful acts.⁴¹³ Thus, if it leads to an actual increase in sinful acts, it is rational that one does not forbid wrong. Khomeini states, however, that one should try and find different ways of forbidding wrong such that it does not lead to such a result.

This question is relevant for the next chapter. For, as it will be shown, there is empirical evidence that certain instances in which trying to control a person does lead to an increase in the reluctance the individual has to internalize beliefs and actions. An attempt to deny a person's autonomy and to

⁴¹²Rawḥānī Muḥammad Ṣādiq, *Fiqh Al-Ṣādiq*, 13:248–49, accessed May 13, 2015, <http://ar.rohani.ir/pub-83.htm>.

⁴¹³Ruḥullāh Khumaynī, *al-Taḥrīr Al-Wasīlah*, 2 vols (Sifārah al-Jumhūriyyah al-Islāmiyyah al-Irāniyyah, 1998), 1:421–424; Ḥuballāh, *Fiqh Al-'Amr Bi Al-M'arūf Wa Al-Nahī 'an Al-Munkar*, 356.

try and control their behaviour does at times lead to the opposite effect that was intended by forbidding wrong.

Freedom and Personality

Modern scholars have written a fair deal about discovering effective means of forbidding.⁴¹⁴ One of the trends was to argue for the institutionalisation of forbidding wrong. By this I do not mean setting up something akin to a moral religious police. Rather, that by looking at the structure of society, to find means to sway people toward the good and away from the bad by setting up functional institutions. This would be something similar to social community projects.⁴¹⁵

Yet there is another approach to forbidding wrong that focuses more on autonomy supportive behaviour. This literature generally did not find its way into either Cook or Ḥuballah's books. The reason being that this literature does not talk about the concept of forbidding wrong directly, but is concerned more with childhood development, *tarbiyat*. Ayatollah Beheshti gave a series of speeches which have been published in book form about the importance of freedom in raising children. Although it is not specifically talking about the concept of forbidding wrong, I doubt any religious thinker would deny that there is a relationship between forbidding wrong and *tarbiyat* such that *tarbiyat* would be considered one of the most important aspects of forbidding wrong in society. Articles have been published on this theme,⁴¹⁶ and Beheshti's speeches even comment on some of the verses in the Quran that mention forbidding wrong.⁴¹⁷

In the penultimate chapter of a collection of speeches, Beheshti speaks about the relationship between freedom and personality. This speech was given at conference for teachers in the summer of 1977. He begins his

⁴¹⁴ Zuhreh Akbarī and Zahra Kāshānīhā, "Ravish-hāye Şaḥīḥ", 16–19; 'Abd al-Ḥusayn Radh'ī Rād, *Amr bih Ma'rūf dar Tarāzūyi 'Aql* (Qum: Būstān-i Kitāb, 2008); Murtadha Muṭahharī, *Majmū'-i Āsār Ustād Shahīd Muṭahharī*, vol. 20 (Tehran: Şadrā, 2008).

⁴¹⁵ Ibid.

⁴¹⁶ Zuhreh Akbarī and Zahra Kāshānīhā, "Ravish-hāye Şaḥīḥ Amr bih Ma'rūf va Nahī az Munkar dar Ta'līm va Tarbiyat Farzandān," *Payvand* 0, no. 0 (2012): 16–19.

⁴¹⁷ Mohammad Hosseini Beheshti, *Naqsh-E Āzādī Dar Tarbiyat Kudakān* (Tehran: Bonyād-e Nashr-e Āsār va Andīshehāyeh Shahīd Ayatullah Doktor Bihishti, 2011), 109–10.

speech by defining the terms character and freedom. After a brief overview of the lexical definition of the term *shakhsīat*, Beheshti states that the equivalent of *shakhsīat* in the Latin languages is persona.⁴¹⁸ He then begins to define the term personality as it is used in psychology, and to do this he turns to the works of Gordon Allport.

Beheshti states that Allport describes personality as having two main characteristics.⁴¹⁹ The first is that personalities are dynamic, and the second is that personalities try to fit in with their environment. In relation to the first point, Beheshti states that it is important to understand that a person is not static, and that the way a person was yesterday is not the same as a person today. The second point highlights the interaction that one has with one's environment. Beheshti thus defines personality as the "organisation, the coordination between psychological and behavioural factors and systems that are born out of the attempt to make one's personality compatible with the environment."⁴²⁰ And by this rather complicated description, he means that "each person has their own formula to fit with their environment."⁴²¹

After he expounds a bit on the practicalities of this understanding of personality for education, Beheshti defines freedom. Unlike the discussion on personality, he does not concern himself with the lexical definition of freedom, but jumps straight to explain its terminological definition. It was surprising to discover that Beheshti relies on Eric Fromm's definition of freedom. Eric Fromm was associated with Frankfurt School of critical theory. Beheshti quotes from Fromm's book *Escape from Freedom*, known in the United Kingdom as *The Fear of Freedom*.

Beheshti relies on passages from Fromm in which Fromm describes how humans are not necessarily bound to instinct and environmental stimulus. Humans are instead free to form a culture and society of their own making. Ultimately, Beheshti concludes that "freedom and free choice is what makes our lives and our personalities, human lives and personalities."⁴²² He quotes Fromm again by stating that "[w]hat gives a specific quality to human

⁴¹⁸Ibid., 150.

⁴¹⁹Ibid., 152.

⁴²⁰Ibid., 153.

⁴²¹Ibid., 153.

⁴²²Ibid., 157.

existence is freedom.”⁴²³ In defence of this understanding of freedom and personality, and in a sense bringing into a reflective equilibrium with Shi'i thought, Beheshti quotes several verses from the Quran. One such verse is the prohibition on forcing people to believe in Islam unwillingly: “There is no compulsion in religion: true guidance has become distinct from error, so whoever rejects false gods and believes in God has grasped the firmest handhold, one that will never break. God is all hearing and all knowing.”⁴²⁴ He expounds by this verse by stating that

Gentlemen! Ladies! God told his Prophet that he has no right to force people into faith; you have to show people the path towards faith, create the conditions for people to find faith and to be able to freely pursue faith. However, to create these conditions you need to use power, but power should be limited to remove the negative barriers and to create a condition where one can pick the best choice.⁴²⁵

Beheshti's reliance on Fromm to define the concept of freedom is interesting. I have yet to see any work in English that has analysed Beheshti's views, let alone his views on freedom, although a good deal of effort work has been done in Persian.⁴²⁶ The book under discussion has recently been published, but Beheshti is rather well known for his stance towards freedom.

Beheshti's stance on freedom shows that there is a history of incorporating freedom with identity in a modern way that precedes Shabestari's endeavours. Beheshti is making the connection between autonomy and faith, and how autonomy supportive contexts are important for the internalisation of belief. Although, he does use a different vocabulary - freedom instead of autonomy, personality instead of internalisation - there is a lot of overlap between his arguments and those which are presented in this dissertation. The main difference being the importance of embeddedness which is central to this dissertation.

⁴²³ Ibid., 158.

⁴²⁴ al-Baqarah 2:256

⁴²⁵ Ibid., 162.

⁴²⁶ Sharīf Lakzāī, *Āzādī Dar Andīshih Sīyasī Ayatullāh Muṭaharrī va Ayatullāh Beheshti* (Qum: Būstān-i Kitāb, 2008); Rahmat Mahdavi, *Āzādī Mutarqī dar Indīshih Shahīd Bihishti* (Tehran: Bunyād Nashr Asār va Andīshih-haye Ayatullāh Bihishti, 1995).

Incorporating Autonomy in Forbidding Wrong

This chapter established that one of the concepts that justifies paternalism is the idea of forbidding wrong. The concept of forbidding wrong has a long tradition within Shi'i thought with its roots in the Quran. It has become a rallying cry for many who wish to enforce Islamic values. Yet, the concept of forbidding wrong comes with many conditions for its application, one of which is the condition of efficacy. Forbidding wrong is only obligatory if there is a reasonable probability of success.

In the following chapter I will provide empirical evidence to show that autonomy supportive contexts help to promote the internalization of beliefs, and that controlling contexts hinder this process. It will build on the condition that forbidding wrong must have a positive effect for it to be mandatory. Evidence will be provided through the empirical work done in Self-Determination Theory. In short, they give support to Beheshti's argument that freedom is a necessary part of personality.

Self-Determination Theory

The previous chapter established that the commandment of forbidding wrong has a condition of efficacy. This chapter will analyse the types of motivation that are effective. Specifically, it will be argued that respecting autonomy leads to the internalization of religious values and controlling environments do not. This chapter will hopefully show why autonomy is an important factor for Shi'i thought, and how it is a crucial element in the internalization of religious belief. This section will rely heavily on the findings of Self-Determination Theory (SDT). SDT is a theory of motivation in psychology that considers autonomy, relatedness, and competence to be essential features for well-being and the facilitation of internalization.

Section one will be a short introduction to SDT. It will discuss intellectual background that gave rise to SDT and how SDT was able to break new ground. The second section will discuss the research results of SDT. This includes the empirical findings from research conducted in labs as well as survey data. The data will cross multiple aspects of life including parenting, education, work and religion. The third section will discuss the importance of

internalization and external motivation in SDT. Although SDT emphasises the importance of autonomy and internal motivation in well being, we are in essence social animals. This section describes how SDT views a successful internalization of external values. The fourth section will discuss two generally misunderstood concepts of autonomy, which SDT tries to clarify, namely independence and structure. This will also include a discussion as to why SDT is applicable across different cultures. The final section will discuss the limits of SDT and its significance to this research

There are three things which I set out to prove in this chapter. First, autonomy is an observable phenomenon that exists and that it is vital for the internalization of beliefs. Second, autonomy is different from independence and individualism. Third, autonomy is applicable across different cultures. Before I jump into the discussion of SDT it is important to state how the findings of SDT will relate to the rest of the arguments put forward in subsequent chapters.

SDT and Philosophical Anthropology

SDT will support the arguments presented in a previous chapter by Charles Taylor and Alasdair MacIntyre. Both philosophers have argued for a narrative understanding of the self. It is a model of the self that sees the self as being situated within, and partially formed by, a specific context. The arguments put forward by SDT will help to empirically ground Taylor and MacIntyre's claims. There are two main aspects of SDT that will help to do this. The first is that while SDT considers autonomy to be important, they consider the concept of relatedness to be of equal importance. Second their understanding of autonomy is not individualistic. That is that the self is independent of others. They consider dependence and autonomy to be orthogonal.

Moreover, SDT and Charles Taylor both critique the previous behaviourist model of motivation. Both SDT and Charles Taylor are influenced by the phenomenological movement. SDT through the works of Ricoeur and Taylor through Merleau-Ponty. This emphasis on a phenomenological approach to motivation and autonomy, one that places subjective experience at the core of it's concern, compared to behaviourism, which saw human

motivation as extrinsic, will play a crucial link in how I reconcile the different theories.

But there is an aspect of SDT which will help to support my claim in light of one of Taylor's comments on modernity. Taylor claims that modernity is not acultural, meaning that modernity is not a trait that would be similar across a variety of cultures.⁴²⁷ He argues, and rightly so, that modernity is instead culturally variable. While I agree with his argument, I do think that there are certain aspects of modernity that are acultural, as I have stated elsewhere. One of those aspects is autonomy. The research conducted by SDT shows that respect for autonomy is in fact an acultural trait. This helps, in turn, to strengthen my argument for the importance of autonomy to faith for it is applicable to a variety of different cultures.

Moreover, the concept of autonomy as discussed by SDT, especially the concepts of internalization and structure, will have ramifications later on in terms of philosophical anthropology. In later chapters, I will show how the relationship SDT proposes between autonomy and internalization is novel. Autonomy has been seen to eschew any sense of authority, however, as the research will show, autonomy only changes the relationship with authority, but it does not negate it. Schools, businesses, and families that have become autonomy supportive, have not been met with revolution and wild changes in authority, but instead have seen students, employees, and children better internalize the values and programs suggest by the figures of authority.

By using psychology it will help to ground the debate on autonomy in an empirical method. One does not have to be a positivist in order to understand the benefits of empirical research. This is evident in the recent developments in the growth of a new branch of philosophy called experimental philosophy. Experimental philosophy tries to answer philosophy questions with the use of experimental data such as surveys and the scientific methods of cognitive science. Given that I am attempting to bring a variety of different theories into wide reflective equilibrium, forgoing any form of empirical inquiry would be disastrous to this attempt.

⁴²⁷Charles Taylor, "Two Theories of Modernity," *The Hastings Center Report* 25, no. 2 (1995): 24–33, doi:[10.2307/3562863](https://doi.org/10.2307/3562863).

Nonetheless, I am not the first person to try to ground the philosophical debate on autonomy in the empirical sciences. Jack Crittendon makes use of developmental psychology to move past the liberal/communitarian debate about the self and develop what he calls “compound individuality.”⁴²⁸ John Christman also takes a similar endeavor in *Politics of Persons* in trying to develop a concept of a social-historical self.⁴²⁹

Both of these previous authors were trying to achieve similar goals. They were using psychology in order to help build their model of the self in order to define their stance in philosophical anthropology. Crittendon, with the help of developmental psychology, developed his theory of compound individualism. He was trying to develop a model that would lie between liberals and communitarians, John Christman as well refers to a variety of works in psychological to develop his philosophical anthropology. Neither of these works, however, give any reference to SDT even though SDT as a theory, was quite popular when they were writing their books. This is not a criticism of their research, since it cannot be expected for one to reference all works in the social sciences, it just an observation of how this research differs from previous research.

History and Foundations

Self-determination theory (SDT) is an empirically based approach to development and motivation developed by Edward L. Deci and Richard M. Ryan. SDT argues that a high degree of motivation and engagement is supported by the individual’s autonomy. The theory has its origins in the 1970s and it has gained traction ever since. One sign of SDT influence is that *Atkinson & Hilgard’s: Introduction to Psychology*, a textbook used by many introductory courses, begins by citing research inspired by SDT.⁴³⁰

The website dedicated to SDT has a truly amazing array of articles, both in the breadth of the subjects discussed and in the depth of their

⁴²⁸Jack Crittenden, *Beyond Individualism: Reconstituting the Liberal Self* (Oxford: Oxford University Press, 1992).

⁴²⁹Christman, *The Politics of Persons*.

⁴³⁰Susan Nolen-Hoeksema et al., *Atkinson & Hilgard’s: Introduction to Psychology* (Cengage Learning EMEA, 2014), 3.

analysis.⁴³¹ Their articles cover many categories such as education, environment, health care, organizations and work, politics and even religion. A few of these studies have dealt with themes directly related to this research such as a study that analyzes “controlling versus autonomy-supportive socialization and the consequences to the internalization of religion.”⁴³²

One of the main tenants of the theory is that autonomy is a necessary component for the internalization social values. They argue that the internalization of social values is a natural act brought about by the need for relatedness, but autonomy is required for these values to be more integral.

However, for a regulation to become more integral to one’s self, supports for autonomy are also required. That is, although support for relatedness and competence needs may promote the internalization of a regulation or value, those supports alone will not be sufficient to foster integration. For integration to occur there must be an opportunity for the individual to freely process and endorse transmitted values and regulations (and to modify or transform them when necessary). Excessive external pressures, controls, and evaluations appear to hinder rather than facilitate this active, constructive process of giving personal meaning and valence to acquired regulations.⁴³³ Controlling events are those that are “experienced as pressure to think, feel, or behave in specified ways.”⁴³⁴

One would have thought that given that the concept of autonomy was brought into the philosophical limelight in the late 18th century due to Kant’s influence, and given his lasting appeal in philosophy, the concept of autonomy would have kept it’s prestige in the majority of Western thought. Yet this is not true for all fields. While the pragmatic philosopher/psychologist William James did consider autonomy to be one of the major concepts in psychology,

⁴³¹“Selfdeterminationtheory.org — an Approach to Human Motivation & Personality,” accessed August 8, 2015, <http://www.selfdeterminationtheory.org/>.

⁴³²Avi Assor and Maya Cohen-Malayev, “Choosing to Stay Religious in a Modern World: Socialization and Exploration Processes Leading to an Integrated Internalization of Religion Among Israeli Jewish Youth,” in *Advances in Motivation and Achievement: Religion and Motivation*, 2005, 105–50.

⁴³³Edward L. Deci and Richard M. Ryan, “The ‘What’ and ‘Why’ of Goal Pursuits: Human Needs and the Self-Determination of Behavior.” *Psychological Inquiry*, no. 11 (2000): 238, http://www.selfdeterminationtheory.org/SDT/documents/2000_DeciRyan_PIWhatWhy.pdf.

⁴³⁴Edward L. Deci, *Intrinsic Motivation and Self-Determination in Human Behavior*, Perspectives in Social Psychology (New York: Plenum, 1985), 95.

autonomy lost its status in the early 20th century. 20th century psychology was dominated by mechanistic theories of human behavior, and specifically behaviorism. Mechanistic theories understand the human behavior to be passive, and driven by physiological drives and environmental stimuli. This is in contrast to organismic theories which consider human behavior to be understandable through volition.

One of the most influential psychological theories and the beginning of the 20th century were drive theories. That is that human behavior is explainable by certain physiological drives. While Freud (d. 1917) was influential in identifying two important drives, sex and aggression,⁴³⁵ it was Clark Hull's *Principles of Behavior* that became seminal in this theory. Hull argued that there were four primary drives: hunger, thirst, sex and the avoidance of pain.⁴³⁶ These drives are psychological needs that create tension when they are not satisfied. Hull's theory left no room for internal motivation, nor any notion of autonomy. All human behavior was to be explained physiologically.⁴³⁷

As research progressed, however, anomalies were discovered that conflicted with drive theory. Certain experiments conducted on animals showed that they were willing to forego these drives in exchange for behaviors that were inexplicable by the theory. Several studies showed that hungry rats were willing to forego food in order to explore new territory. Further tests showed that the rats would even cross electrified grids just to explore these areas. Similar results were found with chimpanzees. Other studies showed that chimpanzees were willing to solve a puzzle apparatus for no external reward.⁴³⁸

While proponents of drive theory did try to show how their theory could explain these actions, other psychologists were soon convinced that the only explanation for these behaviours would be a theory of intrinsic motivation.

⁴³⁵ Sigmund Freud, *The Ego and the Id*, trans. Joan Riviere, Freud, Sigmund, 1856-1939. Works. English. 1989 (New York: Norton, 1989).

⁴³⁶ Clark Leonard Hull, *Principles of Behavior: An Introduction to Behavior Theory*, (New York: Appleton-Century, 1943), 57-68.

⁴³⁷ Ibid., 12.

⁴³⁸ Ibid., 13.

Robert White in his article *Motivation Reconsidered* gave a rather scathing criticism of the attempt of drive theorists to explain all behaviour through their framework, and proposed that a theory of intrinsic motivation, which he called *effectance motivation* was necessary.⁴³⁹

White's theory, however, it could not simply be added on to current theories, but required a reconceptualization of motivation. The founders of SDT see themselves as a part of this reconceptualization of motivation.⁴⁴⁰

Behaviorism's influence has waned not only in the theories of motivation but in psychology in general, which therefore required novel theories in psychology. Many psychologists found inspiration in the field of philosophy. The founders of SDT credit the formation of their theory to the influence of philosophers such as Pfander, Ricour, and Dworkin.⁴⁴¹

SDT assumptions and Foundations

There are a few core assumptions that underly SDT. These assumptions are the foundations which the other parts of the theory will rely upon. This consists of two major parts. The first is the assumption that everyone has a unified sense of self. The second is that there are natural basic needs of relatedness, competence, and autonomy, that must be met in order to have a healthy well-being.

SDT works on the assumption that all individuals have a natural tendency to develop a unified sense of self.⁴⁴² Individuals have a natural drive to develop a coherent sense of self that is interconnected with other individuals and social groups. A healthy development requires both autonomy for development of the unified self, and homonomy for the integration of the

⁴³⁹Robert W. White, "Motivation Reconsidered: The Concept of Competence," *Psychological Review* 66, no. 5 (1959): 297–333, doi:[10.1037/h0040934](https://doi.org/10.1037/h0040934).

⁴⁴⁰Deci, Intrinsic Motivation and Self-Determination in Human Behavior, 19.

⁴⁴¹Richard M. Ryan and Edward L. Deci, "Self-Regulation and the Problem of Human Autonomy: Does Psychology Need Choice, Self-Determination, and Will?" *Journal of Personality* 74, no. 6 (December 2006): 1558, doi:[10.1111/j.1467-6494.2006.00420.x](https://doi.org/10.1111/j.1467-6494.2006.00420.x).

⁴⁴²Edward L. Deci and Richard M. Ryan, "Overview of Self-Determination Theory: An Organismic Dialectical Perspective," in *Handbook of Self-Determination Research*, ed. Edward L. Deci and Richard M. Ryan (Rochester: University of Rochester Press, 2004), 5.

self with others.⁴⁴³ Hence, SDT considers the self to be in autonomous agent that is either nurtured or impeded by social contexts.

SDT also describes basic needs for each individual requires. These needs are competence, relatedness and autonomy. These needs are argued to be required across different cultures, and empirical tests have been undergone to support their argument. The importance of these basic needs will be reiterated below on the discussion of internalization. It will be shown that a successful internalization of external goals and values depends heavily on how well these basic needs are met.

Competence refers to “feeling effective in one’s ongoing interactions with the social environment and experiencing opportunities to exercise and express one’s capacities.”⁴⁴⁴ *Relatedness* is “feeling connected to others, to caring for and being cared for by those others, to having a sense of belongingness both with other individuals and with one’s community.”⁴⁴⁵

Finally, they define *Autonomy* as “being the perceived origin or source of one’s own behaviour.”⁴⁴⁶ They go on to elaborate on this definition and state that:

When autonomous, individuals experience their behavior as an expression of the will such that, even when actions are influenced by outside sources, the actors concur with those influences, feeling both initiative and value with regard to them.⁴⁴⁷

The founders of SDT are already establishing the grounds for their research. First they offer a definition of autonomy that is related to one’s ‘perceived origin.’ This notion of perception will be important when we come to discuss how we consider behavior to be controlling. They also discuss the importance of being ‘influenced by outside sources.’ This is important when they come to describe the topic of internalization and how one comes to view external values and projects as one’s own.

SDT has developed over the years through a series of mini-theories. *Cognitive evaluation theory* describes the social effects on intrinsic motivation. *Organismic integration theory* is in regards to the internalization of values and

⁴⁴³Ibid., 5.

⁴⁴⁴Ibid., 7.

⁴⁴⁵Ibid., 7.

⁴⁴⁶Ibid., 8.

⁴⁴⁷Ibid., 8.

regulations. *Causality orientations theory* describes the individual differences in people in regards to their social context. *Basic needs theory* describes the relationship between motivation and goals to health and well-being.⁴⁴⁸ Rather than elaborate on each theory individually, I will elaborate on the research findings of SDT as they relate to the research question at hand.

The Findings of SDT

In this section I will show some of the findings of SDT across different practical domains. I will show how autonomy brings about not only a better level of performance in education and work, but that it also has a higher level of personal satisfaction and mental health. Four broad categories will be discussed; family, education, and work. The following section will discuss the relationship between autonomy and self-internalization of social values, and it is there that I will discuss the research conducted on SDT and religion.

While these different fields do not deal directly with issues of religion or faith, I believe they are still relevant. Foremost, it shows that we can recognize a concept of autonomy that exists out in the world. It is something that exists, and moreover It is something that can be empirically measured. In addition, religion covers a broad scope of one's basic day to day life, and isn't restricted to specific rituals. Many adhere to religious values because they believe it will lead to a better outcomes in these daily areas of life, such as family, education, and work. This is similar to what Charles Taylor talks about in the religious turn to the mundane.

!!! find this quote

While parents might have initial fears of that being autonomy supportive would bring about a radical sense of independence in the child, research has shown the opposite to be true. Children of autonomy supportive parents actually consult their parents more than others.

Moreover, There are over two decades of empirical work done on the benefits of SDT in education. This research shows that autonomy motivated students perform better and that students benefit when teachers support their

⁴⁴⁸Ibid., 9–10.

autonomy.⁴⁴⁹ The research has shown that students benefit across a broad spectrum of different skills. This includes higher academic achievement, more positive emotionality, greater creativity, higher rates of retention, stronger perceptions of control, and a higher sense of self-worth.⁴⁵⁰

A study by Aaron Black and Ryan Deci on the effects of autonomy support and autonomous motivation in university level showed that a direct link between autonomous self-regulation and performance in a university course.⁴⁵¹ Students were invited to fill a survey of that asked various issues in regards to the course. 464 students responded, but analyses was only performed on 383 students since given that the GPA of the other students was not available. Study found that autonomously motivated students were more likely to use a good study strategy as well as a better GPA. It was not linked, however, to more study effort.

A similar type of analysis was conducted by Vansteenkiste et al. that again showed a positive correlation between autonomy, performance, and mental health.⁴⁵² The study focused on both the amount of motivation as well as the quality of motivation. They found that external controlling motivation led to higher test anxiety, procrastination, as well as a positive attitude toward cheating. Intrinsically motivated students, however, were “found to display better cognitive processing, more determination, more meta-cognitive self-regulation, and higher achievement”⁴⁵³ The study shows that promoting controlled motivation over autonomous motivation is detrimental to learning outcomes. The authors of the study conclude “this finding confirms SDT’s claim that, although providing a sense of competence (through structure) and a sense of connection and concern (through involvement) might increase

⁴⁴⁹ Johnmarshall Reeve, “Self-Determination Theory Applied to Educational Settings,” in *Handbook of Self-Determination Research*, ed. Edward L. Deci and Richard M. Ryan (University of Rochester Press, 2002), 182.

⁴⁵⁰ Ibid., 184.

⁴⁵¹ Aaron E. Black and Edward L. Deci, “The Effects of Instructors’ Autonomy Support and Students’ Autonomous Motivation on Learning Organic Chemistry: A Self-Determination Theory Perspective,” *Science Education* 84, no. 6 (1 November 2000): 740–56.

⁴⁵² Maarten Vansteenkiste et al., “Motivational Profiles from a Self-Determination Perspective: The Quality of Motivation Matters,” *Journal of Educational Psychology* 101, no. 3 (2009): 671–88, doi:[10.1037/a0015083](https://doi.org/10.1037/a0015083).

⁴⁵³ Ibid., 684.

students' motivation, students will be highly motivated and will display good quality motivation only when teachers are autonomy supportive"⁴⁵⁴

SDT has been found that being autonomy supportive leads to better performance in a variety of organizational settings. Deci et al. (1989) on a study of 23 different managers over an 18 month period found that if the managers were autonomy supportive it would have a positive impact on employee performance and well being.⁴⁵⁵ The managers were provided training on how to increase worker autonomy by increasing their opportunities to take initiative, giving proper positive feedback with minimal controlling language, and recognizing and accepting workers' perspective. After the training the employees recorded higher levels of quality of supervision, trust in the organization, and job-related satisfaction relative to the control group whose managers did not receive training. Other studies have found that meeting the basic psychological needs of competence, relatedness, and autonomy, has led to 'more job satisfaction, higher performance evaluations, greater persistence, greater acceptance of organizational change, and better psychological adjustment.'⁴⁵⁶

Internalization and Extrinsic Motivation

In this section I will discuss how one of the major aspects of SDT deals with the issue of extrinsic motivation and internalization. The founders of SDT began there research with the negative effects of external motivation on internal motivation. They thus established the importance of intrinsic motivation, which we discussed above. By itself, however, the usefulness of the theory is limited. Extrinsic motivation is still a vital part of social interaction. Parents want to motivate their children to lead better lives, teachers want to motivate their students learn, and managers want to motivate their employees to work more effectively. Here, I will discuss how SDT approaches the issue

⁴⁵⁴ Ibid., 684.

⁴⁵⁵ Edward L. Deci, James P. Connell, and Richard M. Ryan, "Self-Determination in a Work Organization," *Journal of Applied Psychology* 74, no. 4 (1989): 580–90, doi:[10.1037/0021-9010.74.4.580](https://doi.org/10.1037/0021-9010.74.4.580).

⁴⁵⁶ Marylène Gagné and Edward L. Deci, "Self-Determination Theory and Work Motivation," *Journal of Organizational Behavior* 26, no. 4 (June 1, 2005): 346, doi:[10.1002/job.322](https://doi.org/10.1002/job.322).

of extrinsic motivation. But first, I will describe why external motivation presents such a dilemma for intrinsic motivation.

The Negative Effects of External Motivation on Intrinsic Motivation

SDT has done an ample amount of research on the relationship between external motivation can affect internal motivation. The focus here will be on the research that shows how external motivation can have a negative impact on internal motivation even though the external motivation is positive reinforcement. The examples given will show how monetary rewards, or even positive regard, can be detrimental to intrinsic motivation. It might be reasoned that extrinsic motivation can be added on as a layer on top of intrinsic motivation. If one enjoys an activity, then they will enjoy it even more they are paid, or rewarded, for that activity. As it will be shown, this does not hold to be true. This has a significant impact on how the Shi'a might implement methods of forbidding evil.

One of the earliest experiments that was undertaken by Deci was in regards to the effects of external motivation on internal motivation.⁴⁵⁷ This was a study on the effects of monetary rewards. The hypothesis was that having money as an intrinsic reward will decrease intrinsic motivation. The test subjects participated in three 1-hour sessions where they would work on a particular type of puzzle called Soma. Earlier testing had shown that these type of puzzles were found to be quite interesting for college students, and that they were highly intrinsically motivated to solve them. The students were split into a control and experimental group. The difference between the two groups was that out of the three sessions, the experimental group, would earn \$1 for each of the four puzzles that they solved in the middle session only. Thus they could see how the intrinsically motivated the experimental group was before earning any rewards, as well as the effect of the intrinsic motivation of rewards, and the subsequent difference with the control group. The subjects level of motivation was measured by the number of seconds that

⁴⁵⁷ Edward L. Deci, "Effects of Externally Mediated Rewards on Intrinsic Motivation." *Journal of Personality and Social Psychology* 18, no. 1 (1971): 105–15, doi:[10.1037/h0030644](https://doi.org/10.1037/h0030644).

they would spend on solving the puzzles during a “free choice period” where the experimenter would leave the room for 8 minutes. The subjects were free to do whatever they wished during this period.

In Session three, the session where the monetary reward was introduced, the experimental group spent more time solving puzzles than in their own previous session, and also in relation to the control group. Then when the monetary rewards were removed for session three, there was a significant drop in the amount of time that the subjects would spend on solving problems. There was a significant negative impact on intrinsic motivation when the external motivation was removed.

The same results were shown by Lepper et al. in “Undermining Children’s Intrinsic Interest with Extrinsic Rewards.” Lepper and his colleagues asked school children to create a few drawings. These children were selected because they showed an initial intrinsic interest in drawing. The children were divided into three groups. The first group in the expected-award condition, were told that they would receive a ‘good player’ medal for their drawings. The second group in the unexpected-reward condition were given a reward after they had finished their activity, and the third group neither expected, nor were they given, any rewards. A few weeks later the children were asked again to start drawing, but this time without any rewards. The results showed that the expected-award group showed significantly lower levels of intrinsic motivation, meaning they spent less time drawing, than the other groups. Thus when the children undertook a task to reach a goal that was extrinsic to the intrinsic joy of drawing it had a negative impact on intrinsic motivation rather than being an additional layer of motivation.

This has significant impact on the concept of forbidding evil. The concept of forbidding evil is centred around extrinsic motivation. It is an act that the community undertakes to increase the faith and righteous deeds of individuals who might not already be intrinsically motivated to do these actions. Thus, if external motivation, even in a positive manner, can be detrimental to motivation, then one must be careful as to how to implement this extrinsic motivation.

This is not to say, however, that all types of extrinsic motivation are necessarily negative. The founders of SDT were obviously aware of this

dilemma of extrinsic, and in the next there approach to this issue will be discussed. They generally discuss the issue of external motivation under the rubric of internalization.

One of the topics discussed by SDT is the concept of internalization. While there has been a lot of work on internalization and it's importance in socialization.⁴⁵⁸ SDT's initial focus on intrinsic motivation and the negative effects of controlling behavior led many to assume that all types of extrinsic motivation would have a negative impact on intrinsic motivation. SDT, however, later began to theorize on extrinsic motivation and argues that not all types of extrinsic motivation is controlling, but that there are various degrees of EM from self-determined to controlling.

Types of Internalization

In this subsection, I will discuss how SDT views internalization to be a natural process. That is that individuals are naturally inclined to internalize the values and goals of their community. Here I will discuss the different types of internalization which SDT has classified.

Although in the previous section, the negative aspects of external motivation were discussed, SDT nonetheless assumes that internalization is a natural development, but at the same time it is not an automatic process.⁴⁵⁹ SDT discusses their theory of internalization under a mini-theory organismic integration theory. This theory states that while we are inclined to internalize external values, this internalization does not happen without meeting certain requirements of the individual. SDT labels these requirements as basic needs. These basic needs are autonomy, competence, and relatedness. The degree to which an external regulation is internalized depends on how well these needs are fulfilled. These needs are considered to be basic human needs, and not culturally dependent.

SDT defines internalization as the integration of external values with personal values.

⁴⁵⁸Deci and Ryan, "The 'What' and 'Why' of Goal Pursuits," 235.

⁴⁵⁹Ibid., 238.

“*Internalization* refers to the process through which an individual transforms a formerly externally prescribed regulation or value into an internal one. In internalization one “takes on” the value or regulation as one’s own.”⁴⁶⁰

Internalization is partially about creating a social identity. It is about moving values and ideals from an external environment and creating individuals with identities bound to these values and ideals.

Internalization poses the important problem not merely of moving the regulation of extrinsically motivated behavior inside the person, but of integrating external motivation into a unified system of structures and motives so that the extrinsic regulation that is internalized will eventually be experienced as self-determined. It is only when the cultural values become the child’s values and are smoothly and unconflictfully exercised that internalization is complete.⁴⁶¹

Internalization is also seen as being natural. It something that a child goes through in a process of development

Our assertion that the process of internalization is part of the organismic integration process implies, of course, that one should see the process occurring naturally (unless the environment impedes it), and thus that one would observe more internalized regulation as children grow older.⁴⁶²

In order to show how internalization is a natural process, they refer to a study conducted by Chandler and Connell in 1984 in that surveyed children’s responses to chores - such as following a parents orders, cleaning the room, doing homework. The study showed that at a younger age children would cite external sources as the reason for their actions, while at older ages they would cite internal motivations. The founders of SDT argue that this shows how internalization is a natural process that starts from an external motivation but will move to an internal motivation over time.

SDT views internalization as a natural process, in which individuals transform social norms and values into personal norms and values. If an external form is properly internalized it becomes a part of the individual’s notion of self, and identity. If the values are failed to be internalized, then they

⁴⁶⁰Richard M. Ryan, Scott Rigby, and Kristi King, “Two Types of Religious Internalization and Their Relations to Religious Orientations and Mental Health,” *Journal of Personality and Social Psychology* 65, no. 3 (1993): 586, doi:[10.1037/0022-3514.65.3.586](https://doi.org/10.1037/0022-3514.65.3.586).

⁴⁶¹Deci, *Intrinsic Motivation and Self-Determination in Human Behavior*, 131.

⁴⁶²*Ibid.*, 131.

remain external, or be partially internalized. SDT also views internalization to be an active process. Internalization an external regulation requires that the individual adjust held beliefs and values in order to proper situate the external regulation in the self.

Internalization is not something that gets done to the organism by the environment, it is something the organism does actively to accommodate the environment, unless the environment overpowers the organism.⁴⁶³

However, not all types of external regulation are the same. SDT has categorized four major types of regulation; external regulation, introjection, identification, integration. These different types differ on the locus of the regulation, and in how well they incorporate autonomy. The four types of external motivation will be presented in the order of the level of internalization.

External regulation is the classic case were the individual conforms to social norms to evade punishment, or to gain a reward. This is the type of regulation that was held dominant by the drive theories discussed above, and it is precisely this type of regulation that the founders of SDT found to undermine intrinsic motivation.

Introjection is quite similar to external regulation except that the rewards and punishments are carried out by the individual. This manifests itself in terms of feelings of pride, or shame and guilt. Although the regulations are internal, the individual abides by external norms and values without incorporating them into their own sense of self. While introjected regulations will be maintained for a longer period of time compared to external regulation, they are still an unstable type of regulation.

Identification, is when individuals understand and accept the reasoning behind a value, and hence identify with it. They have a deeper level of internalization, but it is still not a part of the self.

Integration is the most complete level of internalization of an extrinsic motivation. More than just understanding the reason behind certain values, these values become harmonized with other values and one's identity. What started out as an external regulation will have been internalized and transformed into self-regulation.

⁴⁶³Ibid., 130.

Successful Integration and Need Satisfaction

The question remains as to what is it that makes successful integration. Here I will discuss the aspects of external integration that make it successful for integration. SDT states that integration will be successful if it meets the basic human needs of relatedness, competence, and autonomy.

As stated earlier SDT views internalization to be a natural tendency. This is in part supported by research conducted in the field such as Chandler and Cornell's qualitative research on 121 5–13 year old students. They found that many goals which were seen to be extrinsic in the earlier years were found to have been internalized in the later years, and ultimately there was a highly level of positive association between the importance attached to to doing disliked behaviour and internalized motivation.⁴⁶⁴

SDT argues that the relative success of integration is dependent on how well it meets basic needs.

The degree to which people are able to actively synthesize cultural demands, values, and regulations and to incorporate them into the self is in large part a function of the degree to which fulfillment of the basic psychological needs is supported as they engage in the relevant behaviors.⁴⁶⁵

That is to say that integration will be successful only if these three basic needs are met. It doesn't mean that these are the only needs but that these needs are the minimum psychological requirements for successful integration. And integration is considered successful if an individual identifies with a previously external regulation as a part of his integrated sense of self.

There are many different examinations that have been done to prove the necessity of these three needs, but we will only focus on a few. !!!

How to be autonomy supportive

The key element of a successful internalization, however, is autonomy support. If the social context supports self-determination and autonomy then the external regulation will be integrated into one's understanding of the self,

⁴⁶⁴Cristine L. Chandler and James P. Connell, "Children's Intrinsic, Extrinsic and Internalized Motivation: A Developmental Study of Children's Reasons for Liked and Disliked Behaviours," *British Journal of Developmental Psychology* 5, no. 4 (November 1, 1987): 357–65, doi:[10.1111/j.2044-835X.1987.tb01072.x](https://doi.org/10.1111/j.2044-835X.1987.tb01072.x).

⁴⁶⁵Deci and Ryan, "The 'What' and 'Why' of Goal Pursuits," 238.

or else it will merely be introjected. The term “autonomy supportive”, however, can be quite vague if someone is trying to implement a certain campaign or program. SDT has defined more concrete requirements of what an autonomy supportive social context constitutes. These three actions are providing a meaningful rationale, acknowledging the behaviour’s prospective, and conveying choice rather than control.⁴⁶⁶

SDT views internalization as an proactive process, therefore providing a meaningful rationale will help one to understand the importance of a given value or action, and it allows one to see how best to incorporate it. The nature of an external motivation is that it is imposed from outside of one’s sense of self. It is probable that it will cause internal conflict with goals and values that we already hold. Acknowledging this conflict extends respect to the individuals autonomy and sense of self, and also states that they have a right to choose. The final factor are if the external regulations are conveyed in a controlling manner or one that “minimizes pressure and conveys choice.”⁴⁶⁷ Thus it is more effective to present external regulations in a manner were one feels like there is a sense of choice, rather than a mere set of commands.

There are have been experiments done that support each of these three requirements, and studies done that show the effectiveness of these studies together. In one study in particular, Deci et al. set out to see the effectiveness of the implementation of the three requirements, and hence ‘autonomy-support’ in general.⁴⁶⁸ The study was designed in way that each of three requirements were tested independently. Thus, the experimenters could see the effectiveness of each of the three requirements as well as the effectiveness of all three, or a variation of the three together. The results showed that by combining at least two of the requirements together, resulted in higher level of internalization than when just one or none of the requirements were implemented. The study cleared showed that:

⁴⁶⁶E. L. Deci et al., “Facilitating Internalization: The Self-Determination Theory Perspective,” *Journal of Personality* 62, no. 1 (March 1994): 124.

⁴⁶⁷Ibid., 124.

⁴⁶⁸Ibid.

Controlling contexts can promote internalization, but there will be on average less internalization than in the self-determination-supporting contexts and the internalization will more likely be conflicted (i.e., introjected).⁴⁶⁹

The same techniques were applied to a business organization. The observation period lasted 18 months where certain managers were given specific training on how to be autonomy supportive by implementing the requirements discussed above. After the training the employees under the supervision of these managers reported higher levels of satisfaction, trust, and performance.⁴⁷⁰

A few experiments have been done on the three requirements. For example Reeve et al. have conducted an experiment on the effectiveness of an “externally provided rationale when communicated in an autonomy-supportive way.”⁴⁷¹ Their research found that providing a rationale in an autonomy-supportive manner, led to the internalization of external regulation, as well as to a higher level of effort in the given tasks. The rationale, however, must be autonomy-supportive. That is, it must state why this task is beneficial to the individual and not mere why this task is important to the examiners.

While the details in this section discuss concerns of the practical implementations of an autonomy supportive environment, it does however, shed light on what it means to be autonomy supportive. This will in a while help us to understand how we can be autonomy supportive in terms of Shi'i faith, and the type of actions that it would require. This will be most clearly visible in the final chapter where the different conceptions discussed will be brought together to form a coherent understanding of the relationship between autonomy and faith.

⁴⁶⁹Ibid., 140.

⁴⁷⁰Gagné and Deci, “Self-Determination Theory and Work Motivation,” 346.

⁴⁷¹Johnmarshall Reeve et al., “Providing a Rationale in an Autonomy-Supportive Way as a Strategy to Motivate Others During an Uninteresting Activity,” *Motivation and Emotion* 26, no. 3 (September 2002): 183–207, doi:[10.1023/A:1021711629417](https://doi.org/10.1023/A:1021711629417).

Internalization increases autonomy

Internalization, then, is asserted to be a constructive process aimed at allowing one to be more competently self-determining in the social world, even though the goals of the specific behaviors are extrinsic.⁴⁷²

External motivation fact vs perception

One problem of external motivation is how we label certain actions controlling. It turns out that what is important is not that external motivation be factually controlling, but that it is perceived as being controlling.

According to cognitive evaluation theory, however, the impact of an event on motivational processes is determined, not by the objective characteristics of the event, but rather by its psychological meaning for the individual.⁴⁷³

Similarly, whether an event will be interpreted as informational, controlling, or amotivating is an issue of the relative salience of these aspects to the perceiver, and is affected by his or her sensitivities, background, agendas, as well as by the actual configuration of the event.⁴⁷⁴

Other researchers in the field have also researched similar conclusions. Cameron Wilde and Micheal Enzle in their research on social contagion and motivation also state how the perception of social control is based on subjective interpretation.

In particular, the locus of undermining effects appears to lie not in the *objective facts* of social control or choice but rather in one's *subjective interpretation* of the context of activity engagement.⁴⁷⁵

Several experiments were conducting to test for the subjective interpretation of control. In one experiment,⁴⁷⁶ the subjects were split into two groups, both of which were about to receive piano lessons. The first group was told that the instructor was intrinsically motivated and were told the instructor had volunteered. The second group was told that the instructor was

⁴⁷²Deci, Intrinsic Motivation and Self-Determination in Human Behavior, 131.

⁴⁷³Ibid., 87.

⁴⁷⁴Ibid., 87.

⁴⁷⁵T. Cameron and Michael E. Enzle, "Social Contagion of Motivational Orientations," in *Handbook of Self-Determination Research*, ed. Edward L. Deci and Richard M. Ryan (Rochester, NY, US: University of Rochester Press, 2002), 142.

⁴⁷⁶T. Cameron Wild, Michael E. Enzle, and Wendy L. Hawkins, "Effects of Perceived Extrinsic Versus Intrinsic Teacher Motivation on Student Reactions to Skill Acquisition," *Personality and Social Psychology Bulletin* 18, no. 2 (April 1, 1992): 245–51, doi:[10.1177/0146167292182017](https://doi.org/10.1177/0146167292182017).

extrinsically motivated, and was paid \$25 for the lesson. Both instructors, however, were trained in a neutral teaching style that was neither autonomy supportive, nor controlling, and followed a standardized lesson plan.

The effect of this information on subjects was quite interesting. Both groups displayed the same amount of practice time during their free-play session, however, the subjects that were told that the instructor was intrinsically motivated had a higher level of enjoyment, were more positive toward the lesson, and reported that they were more interested in learning piano lessons. They also engaged in more creative and exploratory piano playing during their free-time. The perception of the students of the teachers' motivation affected their own quality motivation. Several other studies have been undertaken and the results have been replicated.⁴⁷⁷

This is important because it shows how perception is an important factor in deciding what is and what is not controlling. It is possible for one action to be seen as controlling in one context and not in another. Similarly, one action can be seen as controlling for one culture but not the other. This can help to explain some of the variation that we will see in Asian cultures. While individualist cultures will view certain behavior as controlling while collectivist cultures will not view that behavior as controlling.

This makes the implementation of autonomy supportive behavior more difficult, given that it is not possible to give a series of standard actions and expect an autonomy supportive environment to appear. Rather, cultural and even subcultural contexts must be taken into consideration. This will be quite relevant when we discuss Iran and Shi'i faith. Given that we will be discussing a different cultural setting, it is important to see what behavior is seen as autonomy supportive and what is not.

However, the subjective nature of regulation does not render it useless. There are clearly certain actions which would be labeled as controlling across all cultures - such as the threat of physical violence. On the same line, some actions will be seen as autonomy supportive across all cultures as well. There are a few behaviors in-between that will be understood differently.

⁴⁷⁷Cameron and Enzle, "Social Contagion of Motivational Orientations."

This can also help to answer why autonomy is seen to be more important today than in pre-modern societies. In pre-modern societies relying upon authority and their expertise was the norm. Today there might be a different understanding as to what would be considered controlling behaviour. This was discussed briefly in the previous chapter under the discussion of the changing methods of forbidding good and the introduction of *dawa*.

The What of Motivational Goals

SDT has done research on not only why individuals are motivated toward certain goals but also on the effect the actual goals themselves on motivation. The nature of the goal itself can have positive or adverse effects on motivation, and research has shown that trying to reach an extrinsic goal is detrimental to motivation a manner similar to certain types of external motivation. Extrinsic goals refers to goals that are not attained through the activity itself, such as fame and wealth. Various studies have shown that the pursuit of goals such as financial success have led to lower mental health, and general a positive correlation between the importance one places on material outcomes and poor well-being. Different studies were conducted on the level of well-being for subjects who attained these extrinsic goals, and the results showed that even the attainment of these goals provided little, if any, benefit.⁴⁷⁸

On the surface, it might appear that the pursuit of extrinsic goals will not present a problem for religion. After all, one pursues religion in order to reach God or a better position in the after life. At least in theory. There are clearly extrinsic goals one can reach through the use and abuse of religion. While some are clearly illegitimate, such as the use of religion for material wealth, others might seem benign.

Internalization and Faith

Although my research is concerned about faith, there have been numerous studies undertaken by SDT on the topic of integration, including the topic of the integration of religious values. The research done faith overlaps

⁴⁷⁸Deci and Ryan, "The 'What' and 'Why' of Goal Pursuits," 244.

with the research on internalization. On the importance of internalization to religion, Ryan et al. write that “religions must be internalized by cultural members both to survive and to provide any functional value to adherents.”⁴⁷⁹ Ryan et al. write that there are two ways that internalization happens. Introjection is the acceptance of values based on social pressures, and identification is the autonomous adoption of beliefs. Ryan, Rigby and King have done a study on the effect of both types on the internalization of religious values on mental health. Their study concludes that when internalization is done through identification it leads to better mental health. Although mental health is not at the core of argument it is at least related. It shows that internalization is better done through identification and autonomy than through pure social pressure. It should be noted that the authors of the article still admit that correlation does not imply causation in this study.⁴⁸⁰ There are, however, numerous other studies that show the same outcome.

This line of research was further carried out by Neyrinck et al. who examined 186 Belgian Christians. Their study showed that autonomous internalization led to greater increase in prayer, and stronger adherence to Christian beliefs, but it was also associated with a symbolic interpretation of religious belief, and unrelated to church adherence. In general that had a stronger sense of belief and performed religious rituals more frequently.⁴⁸¹

Autonomy vs Independence and Structure

There are two concepts which are generally misunderstood when it comes to the discussion of SDT. The first is that any affirmation of autonomy is also an affirmation of independence. This is to the point where some consider these words to be synonymous. SDT makes a clear demarcation between autonomy and independence, and argues that it is possible to be autonomous and dependent. The second misunderstanding is about structure. Some assume that structure is equivalent to external regulation,

⁴⁷⁹Ryan, Rigby, and King, “Two Types of Religious Internalization and Their Relations to Religious Orientations and Mental Health,” 586.

⁴⁸⁰Ibid., 594.

⁴⁸¹Bart Neyrinck et al., “Cognitive, Affective and Behavioral Correlates of Internalization of Regulations for Religious Activities,” *Motivation and Emotion* 30, no. 4 (November 22, 2006): 321, doi:[10.1007/s11031-006-9048-3](https://doi.org/10.1007/s11031-006-9048-3).

and if we are to promote internal motivation then we must provide a structureless environment for individuals. Again SDT states that structure and autonomy are not exclusionary, and rather that a correctly structured program can actually increase the degree of autonomy.

Independence

Autonomy and Independence

The original founders of the Self-Determination theory themselves state that they were influenced by the philosophical discussions on autonomy. They name the post-Husserlian phenomenological movement, namely Ricoeur, and the analytic approach, namely Frankfurt and Dworkin, as the two philosophical trends that influenced the field.

One aspect to note, is how the psychologists in SDT are sensitive to the differentiation of autonomy and independence. Given that they are trying to develop empirical investigations into the concept of autonomy it is quite vital for them to pinpoint what it is that they are trying to investigate. The founders of SDT use the philosophical literature as the starting point to differentiate between autonomy and independence. Thus for the theorists of SDT autonomy is not

defined by the absence of external influences but rather by one's assent to such influences or inputs. Autonomy is thus not equivalent to independence.⁴⁸⁴

Elsewhere they have written

We know of no real-world circumstances in which people's behavior is totally independent of external influences, but, even if they were, that is not the critical issue in whether the people's behavior is autonomous. Autonomy concerns the extent to which people authentically or genuinely concur with the forces that do influence their behavior.⁴⁸⁵

This factor of independence will become important later on. It becomes important when we examine cross cultural context.

⁴⁸⁴Ryan and Deci, "Self-Regulation and the Problem of Human Autonomy," 1561.

⁴⁸⁵Richard M. Ryan and Edward L. Deci, "The Darker and Brighter Sides of Human Existence: Basic Psychological Needs as a Unifying Concept," *Psychological Inquiry* 11, no. 4 (January 1, 2000): 330, <http://www.jstor.org/stable/1449630>.

SDT and Cross Cultural Context

Concepts such as autonomy have been labelled as being culturally contingent, and many thinkers, such as Geertz, has called the Western conception of the self as “a rather peculiar idea within the context of the world’s cultures.”⁴⁸⁶ Different scholar’s have given similar comments, where they mention how non-Western cultures are more communitarian and they’re thinking is more “duty-based” rather than “rights-based”, and that they give greater value to authority and social harmony and the group.⁴⁸⁷

To compound the problem for SDT, one of the criticisms levied against empirical psychology in the west is that their test subjects are consist mainly of subjects that live in a Western cultural setting. If many of these empirical tests were to be conducted in different cultural settings, they would yield different results. This has been shown to be the case and many of these findings were presented in a paper named There is a line of criticism to this research, however, one which has gained more popularity since the publication of “The weirdest people in the world?”⁴⁸⁸

In this article Henrich et al. argue that behavioural scientists limit their research to only Western, Educated, Industrialized, Rich, Democractic (WEIRD) societies. They argue that this specific sample is not representative of the entire human species, and in fact, they are among the least representative population. They were able to support their argument by taking a comparative look across the different branches in behavioural science, and examining the results of experiments conducted on WEIRD and non-WEIRD subjects.

One of the arguments put forward by Henrich et al. was that individualism is a Western trait and that non-Western peoples see themselves

⁴⁸⁶ Clifford Geertz, “‘From the Native’s Point of View’: On the Nature of Anthropological Understanding,” *Bulletin of the American Academy of Arts and Sciences* 28, no. 1 (October 1, 1974): 31, doi:[10.2307/3822971](https://doi.org/10.2307/3822971).

⁴⁸⁷ Charles C. Helwig and Justin McNeil, “The Development of Conceptions of Personal Autonomy, Rights, and Democracy, and Their Relation to Psychological Well-Being,” in *Human Autonomy in Cross-Cultural Context*, ed. Valery I. Chirkov, Richard M. Ryan, and Kennon M. Sheldon, Cross-Cultural Advancements in Positive Psychology 1 (Springer Netherlands, 2011), 242, http://link.springer.com/chapter/10.1007/978-90-481-9667-8_11.

⁴⁸⁸ Joseph Henrich, Steven J. Heine, and Ara Norenzayan, “The Weirdest People in the World?” *Behavioral and Brain Sciences* 33, no. 2 (June 2010): 61–83, doi:[10.1017/S0140525X0999152X](https://doi.org/10.1017/S0140525X0999152X).

as interdependent selves. “Westerners tend to have more independent, and less interdependent, self-concepts than those of other populations.”⁴⁸⁹ The study goes on to state that Americans in particular are very individualistic. “Americans stand out relative to other Westerners on phenomena that are associated with independent self- concepts and individualism.”⁴⁹⁰

These concerns have been expressed by philosophers as well. Joanne Baldine builds upon the communitarian critics by stating how Asian societies do in fact develop a concept of the self that is not individualistic. Her research was undertaken to dispel this common assumption that individualism is either a pre-requisite or by product of technological progress.⁴⁹¹ Many experts on Japanese culture, such as Masakazu Yamazaki and Richard Parker, have noted the dominance of a communitarian values within Japan.⁴⁹² Francis Hsu, in his cross cultural study of Asian and Western cultures, argues that individualism is purely a western construct.⁴⁹³

One of the studies that Henrich et al. reference is a study conducted by Iyengara and Lepper.⁴⁹⁴ This is one of the studies done specifically to see if SDT and their theory of internal motivation was valid across different cultures, which they answer in the negative. This study is of specific interest because it deals specifically with SDT, while the other studies referenced by Henrich dealt with different aspects and theories of individualism and autonomy. Moreover, this study has been critiqued and analyzed by the founders of SDT themselves, and serves as an important point in which to further this query.

Nonetheless, because of these criticisms levied against SDT and the notions of autonomy and individualism in general, a significant amount of

⁴⁸⁹Ibid., 71.

⁴⁹⁰Ibid., 74.

⁴⁹¹Joanne Baldine, “Is Human Identity an Artifact? How Some Conceptions of the Asian and Western Self Fare During Technological and Legal Development,” *Techné: Research in Philosophy and Technology* 3, no. 2 (1997): 75–81.

⁴⁹²Masakazu Yamazaki, *Individualism and the Japanese: An Alternative Approach to Cultural Comparison*, trans. Barbara Sugihara (Tokyo: Japan Echo, 1994); Richard Parker, ‘Law, Language, and the Individual in Japan and the United States.’, in *Japanese Law and Legal Theory*, ed. Kōichirō Fujikura (Aldershot: Dartmouth, 1996).

⁴⁹³Francis L. K. Hsu, “The Self in Cross Cultural Perspective,” in *Culture and Self: Asian and Western Perspectives*, ed. Anthony J. Marsella, George A. De Vos, and Francis L. K. Hsu, Social Science Paperbacks ; 280 (New York: Tavistock, 1985), 24.

⁴⁹⁴S. S. Iyengar and M. R. Lepper, “Rethinking the Value of Choice: A Cultural Perspective on Intrinsic Motivation,” *Journal of Personality and Social Psychology* 76, no. 3 (March 1999): 349–66.

research has gone into the cross cultural validity of SDT. A variety of different types of research have been conducted that show the three concepts of autonomy, competence, and relatedness are relevant to different cultures. Yet, before we can examine why SDT is applicable to different cultures it is important to clarify a few points. The first is to examine how non-WIERD cultures view the self, and the second is to examine how the proponents of SDT claim that their theory is applicable to different cultures.

Asian Communitarianism

The theme between individualism and autonomy grows into an more important issue as cross cultural studies of the validity of SDT begin to be published. The most cited paper that tries to disprove SDT is a study carried out by Iyengar and Lepper in which they analyze the concept of autonomy in Asian-American children.⁴⁹⁵ They argue that Asians do not value autonomy the same way that Western students do, and that Asian-American students were quite happy when decisions were made on their behalf.

Iyengar and Lepper compared Anglo American and Asian American students. They split them into three groups. The researchers had the subjects work on an anagrams task. The first group was allowed to decide which task they wanted, the second group had the tasks assigned to them by an unfamiliar experimenter, and the third group were told that their mothers had picked the tasks for them. The results showed that both groups had the lowest level of motivation when the task was picked by an unfamiliar experimenter, but the Asian American subjects had a high levels of motivation when their mothers had picked the task while Anglo American students had the same low level of motivation. The researchers concluded that the results appear to the Western assumption that autonomy increases internal motivation, and that Asian Americans might value group autonomy more than personal autonomy.

The founders of SDT replied to this criticism by referring to some of the same arguments which have been made above, namely that different studies have shown the cross cultural validity of SDT and that there is a difference between independence and autonomy. They argued that for Iyengar and

⁴⁹⁵ Iyengar and Lepper, "Rethinking the Value of Choice", 349–66.

Lepper's conclusions to be true they would "would have to assume that their participants do not autonomously follow their mothers' choices."⁴⁹⁶ This relates to the issue that was discussed above in regarding cultural perceptions of controlling behaviour. Iyengar and Lepper understood a parent's decision making to equate with controlling behaviour based on their own cultural understanding of parent-child relationships, while the Asian-American students did not share these perceptions.

There is also good evidence that intrinsic motivation plays a major role in various cultures. DeVoe and Iyengar, Iyengar being one the same academics cited against SDT above, conducted research about manager perceptions of motivation and appraisal of performance. This was a cross cultural study spanning North American, Asian, and Latin American countries. Their study showed that while managers attribute different types of motivational factors for employees, the employees themselves "consistently reported themselves as being more motivated by intrinsic than extrinsic incentives."⁴⁹⁷

SDT Results on Different Cultures

Iyengar and Lepper were not the only ones to have conducted a study on the validity of SDT's theories in different cultures. There are numerous other studies that provide evidence that for the cross-cultural effectiveness of SDT.⁴⁹⁸ As stated above, a few of these studies have cited by the founders of

⁴⁹⁶Ryan and Deci, "Self-Regulation and the Problem of Human Autonomy," 1579.

⁴⁹⁷Sanford E. DeVoe and Sheena S. Iyengar, "Managers' Theories of Subordinates: A Cross-Cultural Examination of Manager Perceptions of Motivation and Appraisal of Performance," *Organizational Behavior and Human Decision Processes* 93, no. 1 (2004): 49, http://econpapers.repec.org/article/eeeejobhdp/v_3a93_3ay_3a2004_3ai_3a1_3ap_3a47-61.htm.

⁴⁹⁸Xue-Hua Bao and Shui-Fong Lam, "Who Makes the Choice? Rethinking the Role of Autonomy and Relatedness in Chinese Children's Motivation", *Child Development* 79, no. 2 (April 2008): 269–83, Valery I. Chirkov, Richard M. Ryan, and Kennon M. Sheldon, eds., *Human Autonomy in Cross-Cultural Context*, (Dordrecht: Springer Netherlands, 2011); Valery I. Chirkov, "A Cross-Cultural Analysis of Autonomy in Education A Self-Determination Theory Perspective", *Theory and Research in Education* 7, no. 2 (1 July 2009): 253–62; Ian M. Taylor and Chris Lonsdale, "Cultural Differences in the Relationships Among Autonomy Support, Psychological Need Satisfaction, Subjective Vitality, and Effort in British and Chinese Physical Education", *Journal of Sport & Exercise Psychology* 32, no. 5 (October 2010): 655–73; Mingming Zhou, Wei Ji Ma, and Edward L. Deci, "The Importance of Autonomy for Rural Chinese Children's Motivation for Learning", *Learning and Individual Differences* 19, no. 4 (December 2009): 492–98.

SDT in defence of the criticisms levied by Iyengar and Lepper. The studies conducted in different Asian countries such as Japan, China, and South Korea, as well as Russia, Turkey and numerous other countries. Each of these studies shows the importance of autonomy to well-being and self-internalization. While these studies provide evidence for the importance of autonomy in different cultures, I would like to focus, however, on a different branch of psychology. The reason being that if a different set of psychologists have reached similar conclusions than that would provide more evidence for the argument at hand. The branch of psychology that will be analysed is Social Domain Theory.

Social Domain Theory and Asian Cultures

In regards to the concept of autonomy in particular, there has also been similar findings in different branches of the behavioral sciences that corroborate with SDT.⁴⁹⁹ Within developmental psychology there is an evolving branch of study known as social domain theory. Social domain theory examines different issues or “domains” that are conceived by a child. One of these domains is “personal issues” meaning specific domains that children believe that they must be the sole authority. The research shows children at a young age consider certain actions to belong in the domain of personal issues. This includes actions such as deciding who to befriend, style of clothes, and recreational pursuits. Moreover the research shows that children across a variety of cultures have a notion of this personal space, although there is cultural variation. This research has been conducted in even “collectivist” cultures such as Hong Kong, Korea, and Japan.⁵⁰⁰

⁴⁹⁹Philip David Zelazo, ed., *The Oxford Handbook of Developmental Psychology. Volume 1, Body and Mind* (New York: Oxford University Press, 2013), <https://ezproxy-prd.bodleian.ox.ac.uk/login?url=http://dx.doi.org/10.1093/oxfordhb/9780199958450.001.0001>. Ayelet Lahat et al., “Mainland Chinese Adolescents’ Judgments and Reasoning About Self-Determination and Nurture Rights,” *Social Development* 18, no. 3 (August 1, 2009): 690–710.

⁵⁰⁰Charles C. Helwig, Martin D. Ruck, and Michele Peterson-Badali, ‘Rights, Civil Liberties, and Democracy’, in *Handbook of Moral Development*, ed. Melanie Killen and Judith G. Smetana (Abingdon : Routledge, 2014); Ayelet Lahat et al., “Mainland Chinese Adolescents’ Judgments”; Yuki Hasebe, Larry Nucci, and Maria S. Nucci, “Parental Control of the Personal Domain and Adolescent Symptoms of Psychopathology: A Cross-National Study in the United States and Japan”, *Child Development* 75, no. 3 (June 2004): 815–28; Hiroyuki Yamada, “Japanese Children’s Reasoning about Conflicts with Parents”, *Social Development* 18,

Certain issues which are generally considered to be western concepts, such as freedom of religion, were found to be endorsed by a variety of different cultures, including even children in China. A notable study was conducted on urban and rural adolescents in China in which they were required to respond to written scenarios in which the self-determination of children was in conflict with the interests of authorities. This included issues such as freedom of speech, privacy and religion. These rights were chosen particularly because they are claimed to be culturally relative and applicable only to Western cultures and not to collectivist cultures. The results, however, showed a different story. Chinese adolescents, especially older adolescents, assert their rights to self-determination even when it went against the interests of authorities. The researchers concluded that:

These results are important for several reasons. Firstly, they show that the increasing concern over autonomy exhibited during adolescence, as reflected in support for various self-determination rights, extends to an Asian culture such as China. Furthermore, this pattern is not restricted to comparatively modern, urban environments within China, but also may be found in more traditional, Chinese rural settings. In addition, the present study further demonstrates that the age-related increases in support for children's autonomy in a collectivist society such as China extend beyond more concrete personal issues to include rights such as freedom of speech and religion, often associated with western ideological or cultural systems.⁵⁰¹

A later study corroborates the previous finding and showed that adolescents in China thought that social decision making was suitable for issues pertaining to social convention and prudential issues but not for personal issues.⁵⁰² China was chosen as the subject of research because the researchers felt that prior research was only conducted in Western-style democratic political systems, and that this would taint the findings of the research. This research found that Chinese adolescents from both rural and

no. 4 (November 2009): 962–77; J. M. Kim, 'Korean Children's Concepts of Adult and Peer Authority and Moral Reasoning', *Developmental Psychology* 34, no. 5 (September 1998): 947–55.

⁵⁰¹ Ibid., 706.

⁵⁰² Charles C. Helwig et al., "Urban and Rural Chinese Adolescents' Judgments and Reasoning About Personal and Group Jurisdiction," *Child Development* 82, no. 2 (March 1, 2011): 706.

urban backgrounds found it immoral to impose group decisions on personal issues. The authors conclude that:

Chinese adolescents' conceptions of personal autonomy in the present study thus were fully consistent with philosophical characterizations of freedoms as rights held by individuals that generate obligations of noninterference on the part of others, including groups (Dworkin, 1977; Gewirth, 1978; Lahat et al., 2009). They are also consistent with social domain theory's proposition that individuals in diverse social settings develop concerns with personal autonomy and rights that place constraints on the types of social organization judged to be legitimate (Turiel, 2002).⁵⁰³

These studies, however, do not conclude that Western and Asian cultures are exactly similar when it comes to their conception of the personal issues. To the contrary, they are quite elaborate on how the understanding of autonomy and the limits of personal issues differ from culture to culture. In the second study mentioned above, there research showed that Chinese adolescents were more willing to majority rule could override certain personal prudential issues relating to which differed with research regarding English adolescents.⁵⁰⁴ However, the main difference was contextual variation and that there was no straight rule stating that Chinese adolescents favored prudential concerns over individual autonomy, or that Western adolescents had reverse priorities. Both cultures value individual autonomy but how balance autonomy with community values is based on cultural variation.

These type of studies will become more important in the third section of this thesis under the discussion of political philosophy. Nonetheless, this series of studies show that there is an understanding and an appreciation for autonomy in non-Western peoples. This is negates the theories put forward earlier that autonomy is solely a construct of WEIRD cultures and that non-WEIRD cultures have a different interdependent selves, and it research that is conducted outside of the SDT framework, which only strengthens the arguments that SDT has put forward.

⁵⁰³Ibid., 713.

⁵⁰⁴Ibid., 714.

Structure

Part of the reason SDT values structure is because structure is related to competence. Given the three basic needs that SDT put forward – autonomy, competence, and relatedness – structure is related to competence, and is seen to be independent from autonomy support.

“Keeping within the SDT definition of structure as the organization of the environment to promote competence”⁵⁰⁵

One study in particular examined the correlation between autonomy and support in a classroom setting. Across 133 classrooms, 1,584 students in Grades 9-11 reported their subjective engagement with course material. The study showed that autonomy support and structure are positively correlated. This is in contrast to certain theories that assume autonomy and structure are antagonistic. Structure has been defined as “Structure refers to the amount and clarity of information that teachers provide to students about expectations and ways of effectively achieving desired educational outcomes”⁵⁰⁶

What the founders of SDT consider to be structure consist of three parts. First the teachers presents directions that are clear, understandable, explicit and detailed. Second, they provide students with a program of action that will guide the students throughout their activity. And finally, the teachers provides feedback on how students can master their activities.⁵⁰⁷

The study collected data from student self reports in regards to engagement, and the collective behavior engagement of students as assessed by raters who did not know the purpose of the study, but were trained with classroom observational skills, rated the teacher’s autonomy support, structure, and the children’s level of engagement.

The study concludes that autonomy support and structure are positively correlated. The most engaged students where those that were given

⁵⁰⁵Melanie S. Farkas and Wendy S. Grolnick, “Examining the Components and Concomitants of Parental Structure in the Academic Domain,” *Motivation and Emotion* 34, no. 3 (August 12, 2010): 268, doi:[10.1007/s11031-010-9176-7](https://doi.org/10.1007/s11031-010-9176-7).

⁵⁰⁶Hyungshim Jang, Johnmarshall Reeve, and Edward L. Deci, “Engaging Students in Learning Activities: It Is Not Autonomy Support or Structure but Autonomy Support and Structure,” *Journal of Educational Psychology* 102, no. 3 (2010): 589, doi:[10.1037/a0019682](https://doi.org/10.1037/a0019682).

⁵⁰⁷*Ibid.*, 590.

a clear structure, and their autonomy was respected. The study concludes that

elements of structure might guide students' behavioral engagement, but these elements (e.g., communications, goals, feedback) need to be offered in autonomy-supportive ways if they are to support both overt behavioral displays of engagement and private subjective experiences of engagement.⁵⁰⁸

This relationship between autonomy and structure again shows that autonomy is not antagonistic to structure and authority, but that the relationship is different. If figures in authority can provide a clear structure that allows individuals to gain competence, and this structure is provided in an autonomy supportive way, it increases the level of engagement. This is quite different to what some might consider to be the ideal of autonomy, where autonomy would destroy all types of structure. This could also explain the adoption of an autonomy supportive management style many businesses. Businesses are organised around a certain structure that facilitates it's daily activities. Businesses can now present this structure in an autonomy supportive fashion, and increase overall employee engagement. Although, not all types of organizational systems are autonomy support, which would also explain the recent shift to more autonomy supportive styles of organization such as team based hierarchies.

Criticisms of Autonomy From Other Sciences

There are various criticisms towards autonomy from different empirical sciences. Many of these criticisms however, tend to not only negate autonomy, but also the concept of free-will. As discussed earlier, the method of reflective equilibrium states that there are certain beliefs that are foundational and less susceptible to change than others. Free-will has a long standing tradition, and is part of one the fundamental aspects of Shi'i thought.⁵⁰⁹ It relates back to probably one of the earliest theological debates in Islamic thought, and it has become one of the core beliefs which differentiates Shi'ism as theologically from other schools of thought.

⁵⁰⁸Ibid., 597.

⁵⁰⁹See 66.

Hence, it would be rather difficult to incorporate a concept of the self that completely negates free-will. The type of equilibrium that would need to be established is one that will change Shi'i belief towards not only the self but also about the core tenants of all of the five beliefs in the *usul al-dīn*. This does not mean that the criticisms are invalid simply because they conflict with core Shi'i beliefs. It only means that a discussion of these criticisms in meaningful sense that will dedicate the amount time necessary to do them justice is out of the scope of this thesis. Nonetheless, it is worthwhile to examine these criticisms briefly because they do help to develop a sense of the materialistic background theories in which religion must find its place. They consist of as part of the disenchantment process which was discussed earlier, and in essence replace religious, and at times enchanted, notions of the self, with a type that can be seen to be merely mechanistic. In addition, many of these criticisms have been taken up by the proponents of SDT, and their responses help to clarify the SDT takes on autonomy.

Radical Behaviorism

Skinner (1971), who argued that the concept of autonomy reflects an ignorance of the actual factors that control behavior. Specifically he stated, "If we do not know why a person acts as he does, we attribute his behavior to him"⁵¹⁰

Skinner summarizes his opinion as such:

The position can be stated as follows: what is felt or introspectively observed is not some nonphysical world of consciousness, mind, or mental life but the observer's own body. This does not mean, as I shall show later, that introspection is a kind of psychological research, nor does it mean (and this is the heart of the argument) that what are felt or introspectively observed are the causes of the behavior. An organism behaves as it does because of its current structure, but most of this is out of reach of introspection. At the moment we must content ourselves, as the methodological behaviorist insists, with a person's genetic and environment histories. What are introspectively observed are certain collateral products of those histories.⁵¹¹

⁵¹⁰ B.F. (Burrhus Frederic) Skinner, *About Behaviorism* (New York: Alfred A. Knopf, 1974), 53.

⁵¹¹ Ibid., 53.

Reductionistic Neuroscience

Certain practitioners from the field of neuroscience have also entered the debate. Steven Pinker argues that human behavior is influenced by evolutionary psychological development. With the use of then recent discoveries in neuroscience, Pinker argues against unified sense of self.

...each of us feels that there is a single 'I' in control. But that is an illusion that the brain works hard to produce... The brain does have supervisory systems in the prefrontal lobes and anterior cingulate cortex, which can push the buttons of behavior and override habits and urges. But these systems are gadgets with specific quirks and limitation; they are not implementations of the rational free agent traditionally identified with the soul or the self.⁵¹²

The Implications for Forbidding Wrong and the Limits of SDT

There are several implications that SDT will have on the study of autonomy and faith in Shi'ism. The first, is that the most effective type of motivation is internal motivation. Individuals are the most motivate towards tasks that they themselves have come to believe to be beneficial in doing. Moreover, it is possible to have individuals internalize values in a controlling environment, but these values will only be introjected. This means that people will listen, but that will only last as long as there is external pressure.

People will internalize values more effectively in an autonomy supportive environment. This means one in which they are given a rationale for the extrinsic regulation, their emotions are acknowledged, and they are given choice. These external regulations will be integrated into the self, and form a part of the identity of the individual. This will form into my final analysis in the concluding chapter.

There are also implications for what it means to be 'authentic.' If an external regulation has been internalized as a part of the self, acting upon this regulation will be 'authentic' even though it was initially an external motivation. This will have an impact by what we consider to be authentic, given that the term would seem to only describe actions that were conducted solely due to internal motivation. The fact that there is a difference between independence

⁵¹²Steven Pinker, *The Blank Slate : The Modern Denial of Human Nature* (New York: Viking, 2002).

and autonomy is a nuance that is ignored by reformist thinkers like Shabestari.

The research results of SDT, however, have major implications for forbidding wrong. Empirical research can shed light on which actions meet the condition of efficacy. SDT shows that autonomy supportive contexts meet the condition of efficacy and controlling environments do not. If forbidding wrong is obligatory, and supporting autonomy helps to forbid wrong, it would therefore seem to make this approach obligatory as well. On the other hand, controlling contexts are demotivating and harmful, which would invalidate this approach to forbidding wrong.

There are certain limits to the research done by SDT, which are more of reflection of the empirical research method. The first major limitation is that SDT does not give us a sense of history. Hence, we're unable to compare the concept of autonomy today with a pre-modern conception autonomy through the lens of SDT. Given that SDT accepts cultural variation in the formation of autonomy, and in the understanding of what types of external regulation is considered controlling, we can assume that there is a discrepancy in the way that autonomy would be formed in pre-modern societies. This research, however, is best left to different methods of inquiry, and as such there has been good research done in this field.

However, this limitation has importance for our study of Shi'ism. Shi'ism is a discursive tradition, and looks to it's past to help understand it's future.⁵¹³ Scholars work within this tradition to try to bring forward as much of the pre-modern religious paradigm as possible. As described earlier within Shi'ism there is an understanding amongst scholars, such as expressed by Khomeini and even Shabestari, that much of the social world has changed, and this requires a change in our religious approach to social action.⁵¹⁴

It is not to say that pre-modern peoples did not have autonomy and modern peoples do have autonomy. It's possible to get this understanding from Kant's essay "What is Enlightenment" and Schneewind's "The Invention of Autonomy." It is rather that we are more autonomous now, and see a wider

⁵¹³ This concept of discursive tradition was discussed earlier, see 10, and it will be discussed again, see 222.

⁵¹⁴ For the discussion on Khomeini, see 19. For Shabestari, see 90.

variety of external regulation as controlling than we did in pre-modern societies. This would in turn change the way that we gain faith and internalize religious belief. It also changes the way that we approach forbidding evil. Hence, understanding the difference in the level of autonomy pre-modern and modern societies, or in other words understanding the history of autonomy and its historical variations, can help us to understand how the internalization of faith has changed, and how we can best support the internalization of faith in the modern era. This intellectual history of autonomy has been in part undertaken by certain philosophers such as Charles Taylor.

Another limit of SDT, is that their experiments were only conducted on a smaller scale. The largest areas of research were conducted on work environments over a lengthy period. However, part of the way that I will be applying this research is at a macro level. I will be applying the theories of SDT to the public sphere in trying to understand how faith is internalized at the national level. While the scope of my application is different, I do not see any reason as to why the findings of SDT would not hold to be true. If an autonomy supportive environment is conducive to the internalization of external regulation, this should hold true for both the micro and macro levels.

It should also be noted that SDT is comprehensive. By that I mean it is a doctrine that requires certain thick assessments in terms of philosophical anthropology. This also makes the theory harder to accept for those who do not already accept certain philosophical underpinnings. Certain aspects I have already spoken about before in terms of the social imaginary. There is already a mechanistic view towards science, and one that sees itself as being universally applicable. SDT carries with it those connotations as well. But in addition, it has an extra phenomenological perspective as well. That is that it takes experience seriously, and tries to see how the individual experiences the world.

This point I believe is what gives SDT insight into to key points that we mentioned above. Namely that independence is not similar to autonomy, and that behaviour is considered controlled from the vantage point of the subject not the observer. This slightly echoes Ricoeur's notion that the self only comes to light with in action with others in the world, although I do not believe SDT would push the line that the self is not transparent to itself.

SDT empirically shows that individuals do have autonomy and that is a necessary part of the internalization of social values. There have even been empirical studies done on the effect of autonomy and the internalization of religious values. The studies have shown that in situations where autonomy has not been respected, there has also been a lower level of acceptance of these values. Through multiple laboratory studies, interviews and questionnaires, they shown that the more support there is for autonomy, the greater the level of internalization of values. Moreover, they have also shown how structure and autonomy support are two positively correlated concepts. These have also been replicated in different cultures as well, which negate the criticism that autonomy is only a Western concept.

The relationship between autonomy and internalization will have larger ramifications for the relationship between faith and autonomy. If autonomy can be seen to facilitate internalization, rather than purely rejecting any concept that has developed externally to the individual, it presents a different relationship between autonomy and faith as is currently debated in contemporary Iranian Shi'i discourse. I will also argue that it adds a different dimension to the debates on autonomy in philosophical anthropology as well.

Discursive Tradition

In the second part of the dissertation, I discussed how autonomy is vital for the internalization of tradition. Although this does provide grounding for more autonomy supportive settings within Shi'ism it does not capture the full dynamism of what it means to be autonomous. Underpinning the entire debate in the previous section is that autonomous agents are proactive. They are not simply subjects to some grand mastered plan. This is evident in SDT's concept of internalization, where autonomous agents choose to incorporate external projects and values as a part of their own selves.

Yet, there is a connotation in the term autonomous that implies more than just internalization. The very definition of autonomy states that an

autonomous agent have “the capacity to be one’s own person”⁵¹⁵ and to “to live one’s life according to reasons and motives that are taken as one’s own.”⁵¹⁶ The program of internalization set forward in SDT seems to, in a sense, turn the concept of autonomy on its head. It put forwards a plan to externally motivate agents by using the very mechanisms that would seem to deny external control. It walks a fine line between persuasion and coercion.

Thus the question remains, how can autonomous agents be proactive within the Shi’i tradition. If we were to truly consider an agent as autonomous, and as more than just agents that internalize the dominant social values, they should be able to active participants in defining what it means to be Shi’i. They must be active agents in the formulation of tradition.

In this section, I shall present two arguments as to how autonomous agents participate in the formulation of tradition. Both of these arguments develop upon Talal Asad’s notion of discursive tradition. The first argument is more proscriptive in that it highlights how agents should be given greater participation in the formation of tradition. The second argument is more descriptive, in that it highlights how agents already are active participants.

The crux of the first argument is that the process of *ijtihād* understands truth to be the judgment reached after a period of inquiry. Any epistemology that understands truth as an end to inquiry is committed to a social epistemology that incorporates experts because they provide an epistemic gain. Autonomous agents have interactional, and unaccredited expertise. This unaccredited expertise is the local expertise gained through experience with issues that they face daily, whether it’s as workers in labor unions or wives in marriages. Shi’i *ijtihād* is therefore committed to incorporating the opinions of these unaccredited experts because they provide an epistemic gain. Their inclusion brings the *al-ḥukm al-ẓahrī* (apparent ruling) closer to the *al-ḥukm al-wāqī’* (real ruling).

The way the chapters have been laid out shall follow this line of argument. I will begin by arguing for the premise that Shi’i *uṣūl* understands truth to be the end of inquiry. This will focus on the difference between *al-*

⁵¹⁵Christman, “Autonomy in Moral and Political Philosophy. The Stanford Encyclopedia of Philosophy.”

⁵¹⁶Ibid.

ḥukm al-wāqīʿ and *al-ḥukm al-ḍahīr* within Shiʿi *uṣūl*. The following chapter will discuss why a commitment to truth as an end of inquiry is committed to a particular social epistemology. The next chapter will discuss the unaccredited expertise of autonomous agents. The final chapter will focus on the interaction of this type of expertise and actual cases that show how this concept of social epistemology has unfolded. The final chapter will focus heavily on cases within Iran.

One note about terminology, in this section I shall use the term *muqalid* to denote autonomous individuals. This is done mostly to highlight the relationship between experts and non-experts or *mujtahid* and *muqalid*, rather than focusing on certain internal capabilities of the self. This I think reflects the core concern of Shiʿi *uṣūl* with attaining the truth in legal rulings, and saves the reader from the tedious use of the phrase ‘autonomous individuals.’

What is tradition?

Within the field of Islamic studies Tala Asad’s understanding of tradition as discursive has gained a lot of support.⁵¹⁷ This understanding of tradition overlaps with the understanding of autonomy which was discussed in part one. As it will be shown, Asad builds on the concept of tradition put forward by Alisdar MacIntyre, and that the understanding of the self I have tried to defend overlaps with MacIntyre’s narrative view of the self. Both of MacIntyre’s stances develop from his understanding of discursive tradition.

The analysis shall begin by taking a closer look at the concept of tradition, specifically as it has been presented by Talal Asad and Alisdar MacIntyre. Talal Asad’s work is of significance to the discussion at hand

⁵¹⁷ Rula Jurdi Abisaab, “Shiʿi Jurisprudence, Sunnism, and the Traditionist Thought (Akhbārī) of Muhammad Amin Astarabadi (D. 1626–27)”, *International Journal of Middle East Studies* 47, no. 01 (February 2015): 5–23; Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, Princeton Studies in Muslim Politics (Princeton: Princeton University Press, 2002); Samira Haj, *Reconfiguring Islamic Tradition: Reform, Rationality, and Modernity* (Stanford: Stanford University Press, 2009); Charles Hirschkind, “Heresy or Hermeneutics: The Case of Nasr Hamid Abu Zayd,” *Stanford Humanities Review* 5 (1996): 35–50; Hirschkind, *The Ethical Soundscape: Cassette Sermons and Islamic Counterpublics* (New York: Columbia University Press, 2006); Salwa Ismail, *Rethinking Islamist Politics: Culture, the State and Islamism* (London: I. B. Tauris, 2003); and Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton, N.J.: Princeton University Press, 2005).

because I agree that the internalization of religion, as well as the formation of religion itself as being discursive. The later has been a topic of great discussion since it has been put forward by Talal Asad and has been seminal in understanding tradition as a discursive function. I will start with a short description of Asad's approach then analyze how this concept of tradition relates to autonomy. There are two main concepts of Asad's thought that I will focus on. First is the concept of tradition as discourse, and the second is the concept of orthodoxy as a relationship of power. Finally, I will analyse how Asad's concept of tradition relates to autonomy.

Tradition as discourse

In his seminal paper, "The Idea of an Anthropology of Islam" Asad puts forward a new way of studying Islam as an anthropologist. He disagrees with previous attempts that consider Islam to be constructed by strictly social settings, where the make-up of one's social structure affects the contents of religion. He argues that this taking too broad an approach to Islam, and instead we should focus on the concept of the discursive tradition. He argues that:

If one wants to write an anthropology of Islam one should begin, as Muslims do, from the concept of a discursive tradition that includes and relates itself to the founding texts of the Qur'an and the Hadith. Islam is neither a distinctive social structure nor a heterogeneous collection of beliefs, artifacts, customs, and morals. It is a tradition.⁵¹⁸

Asad's call to begin study Islam as discursive tradition has more to it than the words suggest, and he elaborates on the concept further along in the paper. This concept of discursive tradition builds upon MacIntyre's concept of tradition in the sense that it is foremost embedded in a context, and specifically a historical context. Moreover, it is a discourse that has developed amongst a community of inquirers.

A tradition consists essentially of discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history...An Islamic discursive tradition is simply a tradition of Muslim discourse that

⁵¹⁸ Asad, *The Idea of an Anthropology of Islam*, 14.

addresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic practice in the present.⁵¹⁹

Asad is arguing that we should not look at tradition as something reactionary to modernity, as a 'fiction of the present.'⁵²⁰ Instead it is discourse embedded in society with a particular history. It is this discourse that is authoritative and gives authority to practices and which are subsequently taught.

Since tradition is embedded in a historical context it is in reference to this historical narrative that present Islamic practice is formulated. Thus Muslims are involved in what Asad calls a discursive coherence, the act of defining present practice in a historical narrative. This discursive coherence not only provides the background for justifying current practices but it also limits the scope of the narrative. Even authoritative figures would be pressed to stay within its limits.

It is too often forgotten that the process of determining orthodoxy in conditions of change and contest includes attempt at achieving discursive coherence, at representing the present within an authoritative narrative that includes positive evaluations of past events and persons. Because such authority is a collaborative achievement between narrator and audience, the former cannot speak in total freedom: there are conceptual and institutional conditions that must be attended to if discourses are to be persuasive. That is why attempts by social scientist at rendering such discourses as instances of local leaders manipulating religious symbols to legitimize their social power should be viewed skeptically...⁵²¹

MacIntyre makes a similar argument. Tradition is a reflective process of rationalization, one which incorporates a concept of change. He argues that traditions "when vital, embody continuities of conflict."⁵²² MacIntyre describes tradition as being:

an historically extended, socially embodied argument, and an argument precisely in part about the goods which constitute that tradition. Within a tradition the pursuit of goods extends through generations, sometimes through many generations. Hence the individual's search for his or her good is generally and characteristically conducted within a

⁵¹⁹Ibid., 14.

⁵²⁰Ibid., 14.

⁵²¹Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Johns Hopkins University Press, 1993), 210.

⁵²²MacIntyre, *After Virtue*, 222.

context defined by those traditions of which the individual's life is a part, and this is true both of those goods which are internal to practices and of the goods of a single life.⁵²³

Asad is quite clear in is debt to MacIntyre's conception of tradition.⁵²⁴

They both view tradition as the historical culmination of a reflective process of rationality. MacIntyre pushes the concept of tradition further arguing that all types of rational inquiry are embedded in a tradition. Nonetheless, for both Asad and MacIntyre critique and dialogue is a natural part of the tradition. It is discursive in the sense that concepts are challenged and reevaluated, and it is through this dialogue that concepts are internalized.

Gadamer has a similar conception of tradition. In his philosophical hermeneutics he argues for both tradition and authority. Gadamer considers tradition to be a vivid rational debate amongst the community of inquirers.

The fact is that in tradition there is always an element of freedom and of history itself. Even the most genuine and pure tradition does not persist because of the inertia of what once existed. It needs to be affirmed, embraced, cultivated. It is, essentially, preservation, and it is active in all historical change. But preservation is an act of reason, though an inconspicuous one. For this reason, only innovation and planning appear to be the result of reason. But this is an illusion. Even where life changes violently, as in ages of revolution, far more of the old is preserved in the supposed transformation of everything than anyone knows, and it combines with the new to create a new value. At any rate, preservation is as much a freely chosen action as are revolution and renewal. That is why both the Enlightenment's critique of tradition and the romantic rehabilitation of it lag behind their true historical being.⁵²⁵

Tradition is not constant, but instead evolves in a process of continual re-examination. Gadamer views tradition with an understanding of fallibilism. That although we have come to accept certain facts as true, we can come to re-examine these facts later on. The intellectual thinkers that developed this tradition also gain a sense of authority. This authority is gained through a rational understanding that someone else's judgement is superior to mine.

Admittedly, it is primarily persons that have authority; but the authority of persons is ultimately based not on the subjection and abdication of reason but on an act of acknowledgment and knowledge—the knowledge, namely, that the other is superior to

⁵²³Ibid., 222.

⁵²⁴Asad, *The Idea of an Anthropology of Islam*, 21.

⁵²⁵Gadamer, *Truth and Method*, 283.

oneself in judgment and insight and that for this reason his judgment takes precedence— i.e., it has priority over one's own. This is connected with the fact that authority cannot actually be bestowed but is earned, and must be earned if someone is to lay claim to it.⁵²⁶

Tradition and autonomy

What is of importance in Asad's understanding of tradition, and a fact that also overlaps with the following chapter on SDT, is his stance on the role of reason and deliberation. He does not view reason and argument as symptoms of "the tradition in crisis." They are instead a part of the practice of the internalisation of religion. "Reason and argument are necessarily involved in traditional practice whenever people have to be taught about the point and proper performance of that practice, and whenever the teaching meets with doubt, indifference, or lack of understanding."⁵²⁷

Although Asad does not use the same terminology as SDT, he does give the same weight to the appeal to autonomy for the internalization of tradition. His emphasis that it is through reason and argument that people are taught about the proper performance and in order to overcome doubt, are similar to the SDT's appeal to autonomy supportive contexts that provide a rationale as well as a sense of choice.

Asad therefore considers reason and argument to be the central focus of resistance. For it is here that one may "discover a central modality of power, and of the resistances it encounters"⁵²⁸ Asad believes that the evidence of an argument and the appeal to reason is itself a sign that there is already a resistance to the internalisation of tradition: "for the process of arguing, of using the force of reason, at once presupposes and responds to the fact of resistance."⁵²⁹ He ultimately considers power and resistance as being "intrinsic to the development and exercise of any traditional practice."⁵³⁰

Asad argues for a discursive understanding of tradition because of the discursive nature of the self. He considers reason and deliberation to be an important part of tradition because that is how people come to internalize

⁵²⁶Ibid., 281.

⁵²⁷Asad, *The Idea of an Anthropology of Islam*, 16.

⁵²⁸Ibid., 16.

⁵²⁹Ibid., 16.

⁵³⁰Ibid., 16.

beliefs. The need for reason and argument is an appeal to autonomy. The need to “win someone over”⁵³¹ is to have them internalize beliefs and values.

Asad builds upon this concept of discursive tradition to develop his theory on orthodoxy. For Asad, orthodoxy is not simply a formal body of opinion that has been published by an authoritative assembly. Orthodoxy is, rather, a relationship.

...orthodoxy is not a mere body of opinion but a distinctive relationship - a relationship of power. Wherever Muslims have the power to regulate, uphold, require, or adjust or reject practices, and to condemn, exclude, undermine, or replace incorrect ones, there is the domain of orthodoxy.

Asad's understanding of religion is therefore partially informed by his understanding of the self. He sees the individual as autonomous and involved in a discourse with society, which at times can even constrain his autonomy. Yet, if Asad were to understand the self in a different manner, say as an existentialist, his understanding of religion would also change. Religion would no longer be a process of reason and argument but one of experience. This exactly the line of argument that many religious existentialists make. As I argued in a previous chapter, Shabestari redefines autonomy by offering a different understanding of faith. He considers faith to be a direct experience and a direct experience is only possible by the individual. Thus he severs the social influences the individual has with society by making the very process of faith formation a purely individualistic endeavor.

More than just focusing on internalisation, Asad also views this approach to internalisation as resistance. As an action in which the agent might not do. It is at this focus point that the struggle for resistance and power can be seen. If deliberation is the focal point of resistance and internalisation, then it should also be the point of orthodoxy as well.

This highlights what it means for a tradition to be discursive. To say Islam is a discursive tradition is not to say that there is a type of tradition that is not discursive. It is to highlight an aspect of tradition that has been lost in regards to tradition that is once again being rediscovered. Part of what I have been arguing in this dissertation that discursiveness is a fundamental human

⁵³¹Ibid., 16.

trait. As Robert Brandom argues about his approach to intentionality that “[w]e are makers and takers of reasons, seekers and speakers of truth. The propositional focus of the approach marks this understanding of intelligible contents as *discursive*.”⁵³²

The relationships I therefore discuss between *mujtahid* and *muqalid* are based on this idea of giving and receiving reasons. I argue that within Shi'i thought there has been an over emphasis on the epistemological basis of the individual. The traditionalists and the Islamists center their epistemology around the expert either the *mujtahid* or the *Wilayat al-Faqih*, and the reformists base their epistemology on the individual. All sides limit the implication of what it means to be discursive. I will discuss the impact of this discursive process in two ways, in relation to the internalization of knowledge and to the formation of tradition. It is, in Brandom's terminology, an attempt at the recognition of the discursive capabilities of all participants. It is an attempt to broaden the community of inquirers to be more inclusive such that the exchange of reasons can lead to the settlement and belief in the truth.

I do not attempt, however, to ground this discursive practice in Brandom's pragmatic linguistics or Gadamer's hermeneutics. The concept of *ijtihād* itself already allows for this discursive practice of giving and taking reasons, as it will be shown, and this can serve as a basis for establishment of autonomy. I wish merely to extend this foundation of *ijtihād* to be more inclusive of autonomous agents. To recognize that the act of giving and taking reasons is fundamental to the internalization of belief and that the contributions of laypersons adds to the very formation of tradition. I will ground autonomy then in the concepts of *`amr bi al-marūf* and *al-ḥukm al-dhāhirī*.

Truth and Daily Life

There are two ways in which I would like to build upon Asad's notion of a discursive tradition. The first is that this discursive tradition is not only important for struggles of power and orthodoxy, but is also important for establishing truth. The second is that, beyond deliberation and rationality, through the performance of Islam and Islamic rituals the layperson develops

⁵³²Brandom, *Making It Explicit*, 6.

an unaccredited expertise about religious issues. This unaccredited expertise can have an epistemic gain in regards to the process of *ijtihād*.

In regards to this relationship between truth and discourse, the following chapters will argue that deliberation is important for discovering truth. Asad is correct in saying that power is an important part of the discourse, but part of the reason that people have discourse is to establish the truth. As it will be argued in the next chapter, truth is not established by the deliberations of a lone individual. Truth is, instead, established through the dialogue and discourse of the community of inquirers. Although traditional Shi'i *uṣūl* makes a strong demarcation between *mujtahid* and *muqalid* I will argue that the *muqalid* has a level expertise must be considered in the pursuit of truth.

The second concept, is that through the practice of religion people develop a habitus and a distinction about religion. This clearly builds upon concepts put forward by Bourdieu but also by Bayat's theory of nonmovements. Rational deliberation is not the only sphere in which people can contest narratives, but it is also possible through daily practice. They can embody a variety of different narratives. These movements, however, go both ways. That is that they push for change within the tradition and at times they push to keep the status quo.

A Pragmatic *Ijtihād*

In this chapter I will discuss the concept of truth within Shi'i jurisprudence, and establish that in matters of jurisprudence truth is a belief at the end of inquiry. This will be done through an analysis of the difference between *al-ḥukm al-ẓahirī*, the apparent ruling, and *al-ḥukm al-wāqī'ī*, the real ruling. Truth is not considered to be a belief that corresponds to reality, but is truth is conclusion reached after a state of inquiry. This is rather similar to a concept of inquiry put forward Pragmatists philosophers. This will establish the foundations for the latter chapters that will argue that any conception of truth as a state of inquiry necessitates a social epistemology that depends on a community of inquirers.

This chapter will also establish the relationship between truth in jurisprudence and moral cultivation. The concept of commanding right states that individuals must strive to perform the good, but the concept of *ijtihād*, as it will be discussed, is how that good comes to be known. This chapter will therefore show how the *mujtahid* can be seen as a guide that is sharing in the moral responsibility of the *muqallid*. This provides a basis for expanding the notion of inquirers, and understanding the necessity of discourse in *ijtihād*. The scope and limits of *taqlīd* are defined in a later chapter.

Terminology

There is a long standing classification of rulings within Shi'i jurisprudence that divides rulings into *al-ḥukm al-wāqī'ī* and *al-ḥukm al-ẓāhirī*.⁵³³ There are two ways that the definitions are used. In one sense they are used to differentiate between cases that have no direct evidence for a ruling. Thus the *al-ḥukm al-ẓāhirī* would be related to issues dealing with the procedural principles, *uṣūl al-'amalīyyah*. The procedural principles are cases in which the "[g]eneral principles which the jurist resorts to only when [derivation] of a [ruling] with a [substantiating argument] is impossible."⁵³⁴

In the other usage of the terms, and the usage which is relevant to our debate, the *al-ḥukm al-wāqī'ī* is considered to be the ruling that has been placed originally by God.⁵³⁵ Thus it is sometimes referred to as the ruling that has been written in the *lawḥ al-maḥfuẓ*, the preserved tablet.⁵³⁶ The *lawḥ al-maḥfuẓ* is where God's decisions are written.⁵³⁷ The *al-ḥukm al-wāqī'ī* is also

⁵³³ The earliest I have been able to trace the use of this term is to Allamah al-Ḥillī. I have not found it in the works of earlier scholars such as Shaykh al-Mufīd or Shaykh al-Ṭūsī, see Ḥassan ibn Yusūf al-Ḥillī, *Nihāyah Al-Uṣūl Ilā 'Ilm Al-Uṣūl*, ed. Ibrāhīm Bahādurī, 5 vols (Qum: Mu'asasah al-Imām al-Ṣādiq, 2007), 4: 14; Muḥammad Ridha Kaẓimī Gulvardī and Muḥammad Shafīq Asakī, "Kayfīyat Ta'sīr 'ilm va Jahl dar 'Aḥkām Vāqī'ī va Ṭāhrī az Dīdqāh Imamiyyah va 'Āmah", *Pajūhish-hayi Fiqh va Huqūq-i Islāmī* 31 (2013): 119–46; 'Abd al-Jabār al-Rafā'ī, *Muḥāḍrat fī Uṣūl Al-Fiqh*, 2 vols (Qum: Dār al-Kutub al-Islāmī, 2003) 1:36; Jawād Tabrīzī, *Durūs fī Masā'il 'Ilm al-Uṣūl*, 5 vols (Qum: Dār al-Sadīqah al-Shahīdah, 2003);

⁵³⁴ Muḥammad Bāqir al-Ṣadr, *Lessons in Islamic Jurisprudence*, trans. Roy P. Mottahedeh (Oxford: Oneworld, 2003), 187.

⁵³⁵ Muḥammad Ṣanqūr 'Alī, *Al-Mu'jam Al-Uṣūlī*, vol. 2 (Manshūrāt Naqsh, 2005), 52, http://books.rafed.net/view.php?type=c_fbook&b_id=1049.

⁵³⁶ Faḍil Lankarānī Muḥamad Jawād, "Khāri-J-I Usūl: Usūl-I 'Amaliyeh, Baḥs-E Barā't, Jalaseh-I Se," accessed July 7, 2014, <http://www.fazellankarani.ir/persian/lesson/2985/>.

⁵³⁷ A.J. Wensinck, "Lawḥ," ed. P. Bearman et al., *Encyclopedia of Islam, Second Edition* (Brill Online, 2012), <http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam->

referred to as *nafs al-'amr*, the real ruling itself.⁵³⁸ The ruling exists independent of the believer. For example, prayer is obligatory whether or not a believer knows it is obligatory. Yet, if one is certain about a ruling, meaning that they have *qaṭ'*, then that ruling is generally considered to a part of the *al-ḥukm al-wāqī'*.

In contrast to this, the *al-ḥukm al-ẓāhirī* is are rulings that have any element of doubt, *shak*.⁵³⁹ If one is certain about a ruling then that ruling is considered part of the *al-ḥukm al-wāqī'*. If one has doubt about a ruling then that ruling is considered as a *al-ḥukm al-ẓāhirī*.⁵⁴⁰

Doubt, or *shakk*, here follows the strict understanding used within *'uṣūl*. A standard usage of doubt might only include beliefs that are given a near 50/50 probability, and would exclude beliefs that have a 99% probability. Within *Uṣūlī* terminology doubt refers to beliefs that are not 100% certain.⁵⁴¹ Thus any belief that has even a minute chance of being wrong is considered doubtful.

This means that nearly all rulings that are derived in *ijtihād* fall within the scope of *al-ḥukm al-ẓāhirī*.⁵⁴³ For the *Uṣūlīs* jurisprudence is based opinion (*ẓann*) and these opinions are based on a jurists understanding of what ruling is most likely true.⁵⁴⁴ Rulings are decided not because they are known to be true but because they are argued to be most probably true because they have probative force (*ḥujjiyyah*).⁵⁴⁵ Any ruling based on a probability falls into the category of *al-ḥukm al-ẓāhirī*. Thus rulings that would be considered as part of the *al-ḥukm al-wāqī'* are the most clear cut and basic rulings. Examples would include the prohibition of eating pork, or drinking wine, or the obligation of prayer. No one would say, it is argued, that there is any doubt in regards to the judicial rulings in these matters.⁵⁴⁶

[2/lawh-COM_0576?s.num=1&s.f.s2_parent=s.f.book.encyclopaedia-of-islam-2&s.q=lawh+al-mahfuz.](https://www.encyclopaedia-of-islam-2.com/en/article.php?title=al-hukm-al-waqi%27&lang=en)

⁵³⁸ Alī, *Al-Mu'jam Al-Uṣūlī*, 2:52.

⁵³⁹ Ibid., 2:48.

⁵⁴⁰ Abd al-Jabār Rafā'ī, *Muḥāẓirāt fī 'Uṣūl al-Fiqh Sharḥ al-Ḥalqah al-Thānīyah*, 2 vols. (Qum: Mu'asisah Dār al-Kitāb al-Islāmī, 2003), I: 36.

⁵⁴¹ Ibid. I: 36.

⁵⁴³ Alī, *Al-Mu'jam Al-Uṣūlī*, 2:48–49.

⁵⁴⁴ Muḥammad Riḍā Muẓaffar, *Uṣūl Al-Fiqh*, 4 vols (Qum: Ismā'īlīyān, 1998), 3:1-49.

⁵⁴⁵ Ibid.

⁵⁴⁶ Rafā'ī, *Muḥāẓirāt Fī 'Uṣūl Al-Fiqh* I: 36.

The *al-ḥukm al-zāhirī* is therefore similar to Kant's critique that we cannot know the *Ding an sich*, the thing in of itself. Although Kant's critique is epistemological, that our *a priori* concepts organize our experiences, and the *uṣūlī* critique is not, they both emphasise that our understanding of reality is mediated. The *uṣūlī* states that our understanding of religion is mediated through the sources we have available and that we may not be able to reach reality as it is. Muṣaffar begins the discussion on *ḥujjiyah*, probative force, by discussing that the reason certain things have *ḥujjiyah* is not because they help us discover reality, but only because God will forgive us on the day of judgment or *mu`dharīyah*.⁵⁴⁷

Part of the reason that rulings which have the epistemological status of *qaṭ`*, certainty, as part of the *al-ḥukm al-wāqī`ī* is due to the understanding of *qaṭ`* itself. *Qat`* is considered in Shi'i *'uṣūl* to have *kāshifiyyah*, unveiling or discovery. It is something akin to correspondence in Western epistemology.⁵⁴⁸ When someone has *qaṭ`* they have discovered something about the world. They have discovered something about reality. Thus when one has *qaṭ`* in regards to a jurisprudential ruling they have discovered what is written in the *lawḥ al-maḥfuz*. Thus there is no difference between stating that the *al-ḥukm al-wāqī`ī* is what is written in the *lawḥ al-maḥfuz* or by stating that it is a ruling based on *qaṭ`*, because once one has *qaṭ`* then one knows what is written in the *lawḥ al-maḥfuz*.

Moreover, there is no need for a *mujtahid* if the *muqallid* can reach the *al-ḥukm al-wāqī`ī*. Ayatollah Khū`ī writes that "If [the *muqallid*] attains *qatī`* in a ruling then he should act upon it and there is no need to resort to a *mujtahid*".⁵⁴⁹

Yet, the *al-ḥukm al-zāhirī* are the specific domain of the *mujtahid*. There are multiple reasons given as to why this is so, one of which relies on the ability of the *mujtahid* to be able to do a proper inquiry, *ijtihād*. This

⁵⁴⁷ Muṣaffar, *'Uṣūl Al-Fiqh*, 3:45.

⁵⁴⁸ 'Abbas Mīrshikāri, "Barirsī Dalīl az Ḥays-i Kāshifiyyat", *Kānūn*, no. 116 (2011): 142–84; Chibli Mallat, *The Renewal of Islamic Law: Muhammad Baqer as-Sadr, Najaf, and the Shi'i International* (Cambridge: Cambridge University Press, 1993), 33.

⁵⁴⁹ Abu al-Qasim Kho'i, *Miṣbāḥ Al-'Uṣūl*, 2 vols. (Qum: Mu'asisah 'Iḥyā' Āthār al-Imām al-Khū`ī, 2001), 2: 5.

argument states that the *al-ḥukm al-zāhirī* is dependent upon *imārāt* and *uṣūl al-ʿamalīyah* both of which require *faḥṣ* or inquiry. The *mujtahid* is the one that is fit to undertake this inquiry and not the layperson. This topic of *ijtihād*, and how it relates to the *Akhbarī/Uṣulī* debate will be discussed later on.

Contemporary scholarship on Shiʿi jurisprudence has also discussed this distinction between law as God intended, and the law as derived by the opinions of the jurist, although they do not discuss the concept of *al-ḥukm al-wāqīʿī* directly. In an analysis of the debate between Bihbahānī and Baḥrānī in regards to the *Akhbārī-Uṣulī* stance on jurisprudence, Robert Gleave discusses the *uṣulī* approach to truth in law. He writes:

For Bihbahānī, as for Baḥrānī, there are two tiers to the law: the law in reality and the law as perceived. Bihbahānī, however, restricts the latter to the *mujtahid*'s perception. As moral agents, charged by God to perform a duty (*taklīf*), we can only work within the second sphere of the law. The *mujtahid* searches the texts for an indicator (*dalīl*); this indicator is a clue as to what God's (or the Prophet's or the Imam's) ruling was on a particular matter.⁵⁵⁰

What becomes important then, is the procedure not necessarily the outcome. It is then this procedure that makes the ruling authoritative. It is not the rulings correspondence to reality that gives its probative force. Gleave writes that there “is a procedural certainty that a ruling based on a legal indicator found by a *mujtahid* is authoritative, even though the opinion may not accord with reality”⁵⁵¹ His analysis is based precisely on Bihbahānī's differentiation between *al-ḥukm al-wāqīʿī* and *al-ḥukm al-zāhirī*, although Gleave does not go into the details of this debate. Gleave's analysis is based on Bihbahānī's statement that a *muqallid* is obligated to act on the “apparent rulings (*al-zāhiriyyah*) and not the actual rulings (*al-wāqāʿiyyah*).”⁵⁵² Bihbahānī then continues to clarify what he means by apparent and actual rulings, and this description corresponds to what has been discussed above: “What is meant

⁵⁵⁰ Robert Gleave, *Inevitable Doubt*, 25.

⁵⁵¹ Ibid.

⁵⁵² Muḥammad Bāqir ibn Muḥammad Akmal al-Bihbahānī, *al-Fawā'id al-Ḥā'iriyya* (including *al-Fawā'id al-Jadida*) (Qum: Majma' al-Fikr al-Islāmī, 1995), 418.

by apparent duties are the apparent [opinions] reached by the *mujtahid* that it is the real ruling of God.”⁵⁵³

It is specifically doubt, the difference between the *al-ḥukm al-wāqīʿī* and the *al-ḥukm al-zāhirī* that both the *Akhbārīs* and the *ʿUṣūlīs* were trying to reconcile. Because of this difference Gleave writes that the jurists perception “must always be recognised as less than certain, and it is that one must deal with through legal theory.”⁵⁵⁴

Roy Mottahedeh also comment about the awareness of the subjective agent in Shiʿi legal reasoning. In his introduction to the translation of Ṣadr’s *Lesson’s in Islamic Jurisprudence*, Mottahedeh has a short discussion about the role of reason and convention. He writes the “humane aspect of almost all Islamic law is that it takes into consideration the subjective state of the legal agent when assessing accountability.”⁵⁵⁵ He continues by highlighting how the issue of the subjective agent has become more important within Shiʿi jurisprudence: “The increased interest in the subjective state of the legal agent is apparent from many passages in this book, and results from two and a half centuries of such discussion in *ʿUṣūlī* legal circles.”⁵⁵⁶

The role of inquiry within the *Uṣūlī* is to establish an opinion, the *al-ḥukm al-zāhirī*. Bihbahānī’s argument as to why *ijtihād* is necessary is based on the fact that a ruling requires inquiry. He argues that “rulings are not apparent (*badīhī*) and there is no other recourse except for inquiry and research on the ways to gain knowledge of jurisprudence”⁵⁵⁷ It’s through inquiry and the appropriate use of *ḍan* that one reaches a ruling.

This type of pragmatic truth has several effects within Shiʿi jurisprudence, especially the type of relationship between the *al-ḥukm al-wāqīʿī* and the *al-ḥukm al-zāhirī*. Many issues have to deal with errors. What if one were to act upon a *al-ḥukm al-zāhirī* and later discover the *al-ḥukm al-wāqīʿī*, would they have to repeat their obligatory rituals or are those rituals

⁵⁵³ Ibid., 418-419.

⁵⁵⁴ Robert Gleave, *Inevitable Doubt*, 28.

⁵⁵⁵ Ṣadr, *Lessons in Islamic Jurisprudence*, 25.

⁵⁵⁶ Ibid., 25.

⁵⁵⁷ Muḥammad Bāqir ibn Muḥammad Akmal Bihbahānī, *Al-Rasāʾil Al-ʿUṣūlīyah*, Manshūrāt Muʾassasat Al-ʿAllāmah Al-Mujaddid Al-Wahīd Al-Bahbahānī 7 (Qum: al-Muʾassasah, 1416), 16.

already valid.⁵⁵⁸ Would one's hajj be valid if they performed it based on one set of rulings but later discovered that these rulings were incorrect?⁵⁵⁹ This issue becomes more debated when we approach it from a different angle. If one were to have the intention of committing a sin, and later discovers that that action was sinful, will they be punished for being sinful?⁵⁶⁰ Even more interesting are debates that have to do with rewards. There are a series of *hadīths*, titled as *man balagh*, that state that if one were to come to believe that a certain action has a reward, and performs that action, even if that reward had no bases in the *al-ḥukm al-wāqīʿ* God would still give the same reward to that person.⁵⁶¹ This final example shows the extent of ramifications of the debate about *al-ḥukm al-zāhri* and *al-ḥukm al-wāqīʿ*.

Fallibalism

One of the interesting points about this concept of *al-ḥukm al-zāhri* is how it leads to similar conclusions developed by pragmatists who believe in a similar notion of truth. One example is in regards to the concept of fallibalism. For both the *uṣūlī* and pragmatic conceptions of belief, a belief is valid after a proper state of inquiry and stays valid until one discovers an opposing argument. These rulings are never considered to be corresponding to reality, but are valid for action. They can at any point in the future be up for debate.

Moreover, inquiry is generally done in a piecemeal fashion. Just because the rulings are merely apparent rulings and do not necessarily

⁵⁵⁸ These debates are usually discussed under the topic of *sahw*, see Muḥammad ibn al-Ḥasan al-Ṭūsī, *al-Mabsūṭ fī Fiqh al-Imamiyyah*, ed. Muḥammad Baqir Bihbūdī, (Tehran: Maktabah al-Murtaḍawīyah, 1967), 119; Abū al-Qāsim al-Khuʿī, *Sharḥ al-ʿUrwah al-Wuthqā*, ed. Muḥammad Ridha Musavi al-Khalkhālī (Qum: al-Tawḥīd fī al-Nashr, 1998), 19:93.

⁵⁵⁹ Ali al-Husseni Sistani, 'Hajj Rituals', *The Official Website of the Office of His Eminence Al-Sayyid Ali Al-Husseini Al-Sistani*, accessed 11 July 2016, <http://www.sistani.org/english/book/47/>.

⁵⁶⁰ This is debated under the concept of *tajarrūʿ*, see Murtaḍa ibn Muḥammad Amīn Anṣārī, *al-Farāʿid Al-Uṣūl*, Majmaʿ al-Fikr al-Islāmī (Qum: Majmaʿ al-Fikr al-Islāmī, 1999), 37; Jaʿfar Shīrāzī, *Al-Tajarrūʿ*, (Qum: Nimūnih, 1992).

⁵⁶¹ Muḥammad ibn Yaʿqūb Kulaynī, *Al-Kāfī*, ed. ʿAlī Akbar Ghafārī, 8 vols (Tehran: Dār al-Kutub al-Islāmiyyah, 1987) 2: 87; Ḥamīd Bāqirī, "Barirsī Matnī va Sanadī Rivāyat-i 'Man Balagh'", *Ḥadīs-i Andīshe*, no. 5,6 (2003): 37–92; ʿAlī Akbar al-Kalantarī al-Shīrāzī, *al-Rasāʾil al-Arbaʿ: Qawāʿid Uṣūliyyah Wa Fiqhiyyah* (Qum: Muʿasasah al-Imām al-Ṣādiq, 1994) 15-36.

correspond to reality one does not disregard them in total and begin by searching for foundational principles from which to build. Instead the proper method of inquiry is to begin by examining each belief or ruling in a piecemeal fashion. Even though certain number of rulings, beliefs, principles within *'uṣūl* or *fiqh* maybe be wrong, one begins with the assumption that they are right until there is evidence to the contrary.

This is one of the differences between Soroush's approach to Islamic law. Soroush also puts forward a paradigm that separates belief in reality and our understanding of religion, *ḥaqīqat* and *fahm-i ḥaqīqat*. We have a multiplicity of understandings of religion partially due to multiplicity layers of reality. There is no direct contact with religion and all belief is tainted by our prejudices. These multitude of beliefs are incommensurable. Up to here, it would be possible to find common ground between the pragmatic approach and Soroush. Yet, Soroush goes one step further and argues Since none of our beliefs necessarily all beliefs have the same epistemic validity. There is no authoritative understanding, *fahm-i ḥākīm* and each person is individually responsible for their understanding of religion.⁵⁶²

What then becomes the debate between the conservatives and Soroush is in regards to this relativism. Ayatullah 'Abdullāh Jawadī Āmulī, an Islamist philosopher and jurist in Qum, in his critique of Soroush, in regards to the differing understandings of religion, writes that these changes are a part of the refinement, *takāmul*, of religion. That as time progress we discover more about the world which in turns helps to reexamine our position in religious principles. This type of inquiry is the duty of scholars. He states that he is not concerned about changes in religious thought but that he is concerned about denying concepts which are considered to be essential *ḍarūrī* and fundamental, *thābit*, aspects of religion which are disregarded in the name of relativism.⁵⁶³

The New Pragmatists are also against this concept of relativism presented by Soroush. The sheer number of literature that New Pragmatists

⁵⁶² Abdul Karim Soroush, *Širāt-Hayeh Mustaqīm* (Tehran: Širāt, 1387), 1–6.

⁵⁶³ 'Abdullāh Jawadī 'Amulī, *Sharī'at dar Āyineh Ma'rifat* (Qum: Markaz Nashr-i Asrā', 2002).

have written against Rorty's relativism is a testament to this.⁵⁶⁴ In fact, they argue that the best way to promote democracy is by grounding it in the pragmatic concept of truth, which was discussed in the previous chapter. They argue that relativist conceptions of truth open the door to people like Schumpeter. Which would for Soroush, be a worse political predicament than the one he is arguing against.

Nonetheless, pragmatists argue that inquiry, and more so the inquiry of the community, establishes certain fallible truths. These truths are used to build further knowledge but can be overturned in future inquiry. They are objective not in the sense that correspond to reality but because they come through a process of inquiry.

***Ijtihād* and Valid Inquiry**

A justified ruling is a ruling that has been reached after an ideal state of inquiry. This is actually the definition of *ijtihād*. *Ijtihād* comes from the root *j-h-d* which means to strive, labour, and toil.⁵⁶⁶ *Ijtihād* is literally to "exert unsparingly his power, or ability."⁵⁶⁷ In terms of performing *ijtihād* in the formation of opinions (*ijtihād r'ayahu*) it means "He took pains, or put himself to trouble or fatigue, to form a right judgment or opinion."⁵⁶⁸ This understanding is echoed within Shi'i legal theory. Al-'Allamah al-Ḥillī (d. 726/1325) was one of the first to incorporate the theory of *ijtihād* within his legal writings.⁵⁶⁹ Ḥillī defines *ijtihād* as "The use of all of one's ability in forming an opinion (*ẓann*) on rulings of the sharia."⁵⁷⁰ Biḥbahanī states that the only opinion that is valid is the "the opinion (*ẓann*) of the *mujtahid* after he has expended his effort in attaining what is the strongest [opinion], what is most

⁵⁶⁴ Cheryl Misak, ed., *New Pragmatists* (Oxford: Oxford University Press, 2009); Steven Levine, "Rorty, Davidson, and the New Pragmatists", *Philosophical Topics* 36, no. 1 (2008): 167–92.

⁵⁶⁶ Edward William Lane and Stanley Lane-Poole, 'J-H-D', *An Arabic-English Lexicon* (London: Williams and Norgate, 1863).

⁵⁶⁷ Ibid.

⁵⁶⁸ Ibid.

⁵⁶⁹ Gleave, *Inevitable Doubt*, 5; Calder, *Doubt*, 67; Rasūl Ja'fariyān, 'Tārīkh Ijtihād va Taqlīd az Sayyid Murtidā tā Shahīd Sanī va Ta'sīr ān dar Indīshah Sīyāsī Shī'ah', *'Ulūm-i Siyāsī - Dānishqāh Bāqir al-'Ulūm*, 3, no. 27 (2004): 168.

⁵⁷⁰ Jamāl al-Dīn Ḥillī, *Tadhīb Al-Waṣūl Ilā 'Ilm Al-Uṣūl*, ed. Muḥammad Ḥusayn ibn 'Alī Naqī Raḍawī Kashmīrī (London: Mu'asasah al-Imām 'Alī, 1380), 283.

likely to be right, and what is the most apparent (*al-aẓaḥr*) to him that it is the ruling of God the Most High.”⁵⁷¹

Bihbahānī’s statement clarifies the connection between the *al-ḥukm al-ẓāhirī*, as discussed earlier, and the concept of *ijtihād*. *Ijtihād* is not the task of reaching the law as God intended, it is the task expending one’s efforts to the fullest in order to reach the strongest opinion. Gleave, in explaining al-Bihbahānī’s understanding of *ijtihād*, summarizes this concept succinctly:

For Bihbahānī, *ijtihād* involves a suitably qualified jurist (*mujtahid*) searching through all the possible interpretations of the texts, and deriving the ruling or assessment (*ḥukm*) most likely, in his opinion, to be the ruling of God in the case under discussion. He cannot decree that his ruling is the Lawgiver’s ruling: he can only say that his assessment is, after an extensive and comprehensive search (termed “the exhaustion of his effort”), his own opinion (*ẓann*).⁵⁷²

This concept of an ideal state of inquiry is also the bases of the concept of *taqlīd* and the authority of the scholars. The reason a layperson must do *taqlīd* of a *mujtahid* is based on the argument that only the *mujtahid* is capable of carrying out this ideal state of inquiry. Bihbahānī states clearly that: “There is no doubt that the ‘*ammī* [layperson] cannot know fiqh, by any means, except by *taqlīd*”⁵⁷⁴ This understanding of *taqlīd* is echoed by many of the contemporary *marāja’*.⁵⁷⁵ Ayatollah Wahid Khorasani defines a *mujtahid* as one “who can deduce his responsibility from the primary sources.”⁵⁷⁶

The types of expertise that *mujtahid* is required to have in order to proper conduct *ijtihād* are called the *sharā’it al-ijtihād*, the qualifications or conditions of *ijtihād*.⁵⁷⁷ A jurist must have attained proficiency in a number

⁵⁷¹ Bihbahānī, *al-Fawā'id al-Hā'iriyyah*, 207.

⁵⁷² Gleave, *Inevitable Doubt*, 133.

⁵⁷⁴ Bihbahānī, *al-Fawā'id al-Hā'iriyyah*, 416; for similar but early elaboration of this argument, see Jamāl al-Dīn Ḥillī, *Tahdhīb Al-Waṣūl*, 291.

⁵⁷⁵ Wahid Khorasani, ‘The Precepts of Taqlīd’, *The Official Website for The G.A. Wahid Khorasani*, accessed 11 July 2016, http://wahidkhorasani.com/English/Fatwa/Content/218_Book-of-Verdicts/219_THE-PRECEPTS-OF-TAQL%C3%8FD; Naser Makarem Shirazi, ‘Practical Laws of Islam’, *The Official Website of Grand Ayatollah Makarem Shirazi*, accessed 11 July 2016, <http://www.makarem.ir/main.aspx?lid=1&view=1&typeinfo=30>; Ali al-Husseinī Sistani, ‘Following a Mujtahid (Taqlid)’, *The Official Website of the Office of His Eminence Al-Sayyid Ali Al-Husseinī Al-Sistani*, accessed 11 July 2016, <http://www.sistani.org/english/book/48/2116/>.

⁵⁷⁶ Khorasani, “The Precepts of Taqlīd.”

⁵⁷⁷ Jamāl al-Dīn Ḥillī, *Tahdhīb al-Waṣūl ilā 'Ilm al-Uṣūl*, ed. Muḥammad Ḥusayn ibn 'Alī Naqī Raḍawī Kashmīrī (London: Mu'asasah al-Imām 'Alī, 1380), 284-285; Bihbahānī, *al-*

discipline such as the linguistic sciences, logic, legal theory, exegesis, and theology. The layperson, not having met these necessary conditions, cannot do *ijtihād* and must therefore follow the rulings of a person that has met these conditions.

Yet, this strict dichotomy between *mujtahid* and *muqallid* would only hold if the layperson has nothing of value to add to the process of inquiry. I am not arguing that the layperson can do *ijtihād* as well, but that the inclusion of the layperson will provide an epistemic gain. I will argue that by understanding a jurist cannot be have *sadi* to have “exhausted his effort” if he does not include the type of opinions and experiences of laypersons. This epistemic gain will help the *mujtahid* to arrive to a ruling that is closer to the *al-ḥukm al-wāqīʿī*. Thus, in the next chapters I will try to argue that the ideal state of inquiry is one which considers the layperson as active participants in the discourse. The reason is that expertise is relative, and while person may be considered lay in one field but have an expertise in other fields. These different types of expertise are necessary within this inquiry.

As it will be shown in the next chapter, this understanding of a ruling is similar to the pragmatic understanding of truth. For they too understand truth to be a belief attained after an ideal state of inquiry. Although there are differences between pragmatism and Shiʿi *ʿuṣūl*, this concept of truth overlaps. The next chapter will detail the pragmatic concept of truth, but also explain the consequences that this understanding of belief entails. For the concept of an ideal state of inquiry has been used within Shiʿi jurisprudence to establish the authority of the scholar, pragmatists have used this state of inquiry to argue for the democratic inclusion of others.

Ethical Cultivation and Shared Moral Responsibility

There is more, however, to this relationship between *mujtahid* and *muqallid*. As explained earlier, Shiʿi thought is based on the concept that individuals should strive to become closer to God, part of the principle of

Fawā'id al-Ḥā'iriyyah, 335-342; Gleave, *Inevitable Doubt*, 240-241; Andrew J. Newman, “The Nature of the Akhbārī/Uṣūlī Dispute in Late Ṣafawid Iran, Part 2”, 257.

forbidding wrong. The rulings laid down are designed such that they serve this purpose. This is especially clear for the section of rulings that deal with the *ibādāt* or rituals such as the hajj, prayer and fasting. Generally, rulings in this category require a *nīyah*, or an intention, that one is performing these actions in order to become closer to God.⁵⁷⁸ This differs from the *mu`āmalāt* which deal mostly with transactions and intention does not play a part in the correctness of the action. A prayer without the intention of reaching God is invalid, but a transaction without that intention is still binding.

Hussein Ali Agrama, professor of Anthropology at the University of Chicago, has a valid point when he argues that the purpose of a fatwa, or ruling, is for ethical cultivation.⁵⁷⁹ In his study of the Fatwa Council in Egypt, and the relationship between the mufti and the believers, he concludes that the mufti, in the Sunni context, is a guide, and “the fatwa is a practice that puts the questioner on a *journey* of ethical cultivation.”⁵⁸⁰ He argues that this “image of the fatwa as facilitating a journey takes us far from the conventional view of it as primarily a doctrinal pronouncement and an instrument of doctrinal reform.”⁵⁸¹

Although *fiqh* takes on a different form when it enters the political sphere, it should not distract from one of the fundamental roles that it still plays in lives of individuals as shared moral responsibility. As discussed above, the authority of the *mujtahid* lies in their ability to properly conduct a formal inquiry into questions regarding moral and jurisprudential issues. In times of moral ambiguity or during situations that require difficult moral decisions, many people decide to turn to those they consider to have moral expertise. This is not done merely to decide what the correct course of action should be but become partners in that decision itself, such that they share in the moral consequences of the outcome.

⁵⁷⁸ Ali al-Husseni Sistani, ‘Niyat for Fasting’, accessed 10 July 2016, <http://www.sistani.org/english/book/48/2262/>.

⁵⁷⁹ Hussein Ali Agrama, *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt* (Chicago: University of Chicago Press, 2012), 180.

⁵⁸⁰ *Ibid.*, 182.

⁵⁸¹ *Ibid.*, 182.

The authority of the *‘ālim* is “that of a *guide*,”⁵⁸² and the *ulema* are ones who have the skills to find their way about”⁵⁸³ As Agrama argues about the role of the Fatwa Council in Egypt:

...the Fatwa Council, is not mainly about dispensing points of correct doctrine. Rather, it is more about what the mufti is able to say to the questioners based on the information they have given him, and within the range and limits of doctrine as well as overall conceptions of an ideal Muslim self, so that they can go on with their everyday lives.

The relationship between the *mujtahid* and the *muqallid* in this context is that of shared moral responsibility. As Agrama describes, the *‘ālim* is “understood to share a measure of responsibility for the enactments of the people to whom he issues it; a responsibility he will not face in this life but in the hereafter.”⁵⁸⁴ The weight of this responsibility is too much to bear for certain scholars and they would choose to not be a part of the Fatwa Council.⁵⁸⁵

Although Agrama’s field study is about the mufti in a Sunni context, the same holds true with the *mujtahid* within Shi’i thought. The lives of many people are afflicted with difficult moral problems and some turn to the *mujtahid* for guidance on these issues. The topic of medical ethics, given that it deals with moral dilemmas such as death and physical harm, can serve as a tangible example. The contemporary *mujtahids* are asked multiple questions related to medical ethics, such as aborting a fetus that has been diagnosed with a serious illness during prenatal screening, the issue of brain-death and euthanasia, questions about the use of assisted reproductive technologies and stem cell research.⁵⁸⁶

⁵⁸²Ibid., 180.

⁵⁸³Ibid., 180.

⁵⁸⁴Ibid., 175.

⁵⁸⁵Ibid., 175.

⁵⁸⁶ Ali al-Husseni al-Sistani, ‘Abortion’, *The Official Website of the Office of His Eminence Al-Sayyid Ali Al-Husseini Al-Sistani*, accessed 11 July 2016, <http://www.sistani.org/english/qa/01121/>; Marcia C. Inhorn and Soraya Tremayne, eds., *Islam and Assisted Reproductive Technologies: Sunni and Shia Perspectives* (New York: Berghahn Books, 2012); S. M. Akrami et al., “Brain Death: Recent Ethical and Religious Considerations in Iran”, *Transplantation Proceedings* 36, no. 10 (December 2004): 2883–87; Bagher Larijani and Farzaneh Zahedi, “Contemporary Medical Ethics: An Overview from Iran”, *Developing World Bioethics* 8, no. 3 (1 December 2008): 192–96; Mansoor Saniei, “Human Embryonic Stem Cell Science and Policy: The Case of Iran”, *Social Science & Medicine* 98, no. 100 (December 2013): 345–50; Robert Matthew Tappan, “Beyond Clerics and Clinics: Islamic Bioethics and Assisted Reproductive Technology in

My own experience in interviewing scholars in Qum reflects this same notion of shared moral responsibility. I had a detailed discussion with one of the individuals responsible for compiling Ayatollah Wahid Khorasani's *Risālah 'Amaliyyah*. He discussed the painstaking detail which Ayatollah Khorasani would go through in order to write *Risāl-e*. He also mentioned that very early on Ayatollah Khorasani tasked them with gathering nearly every *Risāl-e* that had been written before. Every time they thought they had gathered enough, Ayatollah Khorasani would tell them to gather more. When they asked why they needed to gather so many different books, he replied that he wanted to know his partners in hell. Far from seeing himself as putting forward the authoritative word of God, he instead considered his opinions to at least have a probability of error. More importantly, he considered himself to share in the moral responsibility of the *muqallidīn* as well as previous scholars. Thus, similar to the muftis described by Agrama, the *mujtahid* is seen, and see themselves, as being moral responsible for the actions partaken by their followers based on their rulings.

Moreover, this concept of shared moral responsibility does not contradict one's autonomy. As stated earlier, autonomy is not equivalent to independence. Many people are autonomous but also interdependent. Sharing moral responsibility falls within that interdependence. Individuals actively choose to consult others in a variety of situations, such as moral ambiguity, or at times of hardship. This is clearly represented in medical situations. In a study of the relationship between prenatal testing and autonomy, Garcia et al. interviewed 59 women who had accepted prenatal testing and were on the cusp of making a decision. The majority of participants stated that they made their decisions freely but "they preferred to share the responsibility of taking decisions, and its consequences for other family members, with their partner and close persons."⁵⁸⁷ They state that their

Iran" (Ph.D., University of Virginia, 2011); Farzaneh Zahedi and Bagher Larijani, "National Bioethical Legislation and Guidelines for Biomedical Research in the Islamic Republic of Iran", *Bulletin of the World Health Organization* 86, no. 8 (August 2008): 630–34.

⁵⁸⁷ Elisa García, Danielle R. M. Timmermans, and Evert van Leeuwen, "Rethinking Autonomy in the Context of Prenatal Screening Decision-Making," *Prenatal Diagnosis* 28, no. 2 (February 1, 2008): 115, doi:[10.1002/pd.1920](https://doi.org/10.1002/pd.1920).

study indicates that “women do not want to shoulder all the responsibility for their decisions. Taking decisions in partnership would help women feel more comfortable with their final choice.”⁵⁸⁸ They conclude that “the input from third persons should not be evaluated so much as a social pressure.”⁵⁸⁹

Although the type of authoritative relationship under discussion was not examined by Garcia et al. their study does show that many people tend to consult others in making moral decisions, to not only help make decisions but share in that responsibility. This also extends to religious authority. Atkin et al. examined the extent that religious identity and faith influence a person’s decision in Ante-Natal screening. They individuals that were a part of four communities within the UK: Christian, Hindu, Muslim and Sikh. They argue that religion “offered a framework in which to make sense of and legitimate experience”⁵⁹⁰ However, “[i]t was rarely seen as prescriptive: providing a rigid sense of right and wrong, but realized in a broader moral framework.”⁵⁹¹

Conclusion

This chapter established an important premise for the future chapters. It has defined truth in *ijtihād* as the end of inquiry. This is a fallible truth, were we assume it is true until proven otherwise. This argument toward truth as a long history within Shi’i *’uṣūl* especially around discussions of the *al-ḥukm al-ẓahirī*.

The communal aspects of this inquiry have also been highlighted. Moral inquiry is a difficult task with great level of responsibility. We naturally find comfort in discussing moral problems with others in order to discover the truth but also to share the moral responsibility. We rely on others to in order to develop a firm stance on moral issues.

The next chapters will build on these two premises. It will show how the concept of truth as the end of inquiry requires that we broaden the scope of inquirers to include various participants, for inquiry can only be truly finished if

⁵⁸⁸Ibid., 118.

⁵⁸⁹Ibid., 118.

⁵⁹⁰Karl Atkin et al., “Decision-Making and Ante-Natal Screening for Sickle Cell and Thalassaemia Disorders: To What Extent Do Faith and Religious Identity Mediate Choice?” *Current Sociology* 56, no. 1 (January 1, 2008): 83.

⁵⁹¹Ibid., 83.

we exhausted all of the epistemic resources available to us. The following chapter will examine this line of inquiry through the rubric of pragmatism, especially the New Pragmatism that is currently gaining traction.

The Pragmatic Truth and Epistemic Democracy

In the previous chapter, I discussed how the Shi'i *'uṣūlī* distinction between *al-ḥukm al-wāqī'* and *al-ḥukm al-ẓāhirī* considers the justified ruling to be the ruling that is arrived to after a process of inquiry. In this chapter I will argue that this conception of truth as an end of inquiry commits Shi'i *'uṣūl* to incorporate the views and opinions of people who are not experts in jurisprudence because it provides an epistemic gain. In other words, the inclusion of non-experts helps to discover the truth. I use the term non-experts here to denote those that have no formal expertise in *ijtihād* while leaving the possibility that they are experts in different fields.

To highlight the relationship between the inclusion of non-experts and truth as the end of inquiry, I will refer to the works of the New Pragmatists, and Cheryl Misak in particular. Although it is only in matters relating to *fiqh* that traditional *'uṣūlīs* truth, or the justified ruling, to be the belief at the end of inquiry, some New Pragmatists consider all truth to be such.

The approach that New Pragmatists have taken to the justification of democracy follows the larger trend in epistemic democracy that was mentioned in the first chapter. There has been a shift in discussions of political philosophy from procedural theories of justice to arguments about the justification of democracy. Many of these attempts of justification take instrumentalist approaches, meaning that they argue democracy is important for reaching a certain end goal.

Given that the approach to autonomy that has been in discussion is instrumentalist it is quite clear that there are overlapping concerns. What I would like to discuss here one of the now approaches taken by this approach, namely that of Cheryl Misak who builds upon the works of Charles Pierce. The reason being that Misak's pragmatic approach to democracy and truth will have a heavy bearing in the analysis of Shi'i *'uṣūl* in the next chapter.

The structure of the chapter is will consist of a mainly of a short comparison between Cartesian and Pragmatic epistemology. The reason is that it is difficult to describe Pragmatism without describing the Cartesian epistemology to which they were responding. This chapter will thus begin with a discussion of Descartes and then discuss Pierce's response to to Descartes epistemology.

The chapter will, however, begin with a short contextualization of Misak's approach. This will highlight how Misak is part of a growing trend of epistemic democrats, and will help to define the ultimate goal for which is trying to defend. At the end of the chapter, a few of Misak's shortcomings will be discussed.

Pragmatism and Epistemic Democracy

In chapter one, I noted several different instrumentalist approaches to democracy, namely Robert Talisse and Lucas Swaine.⁵⁹² Both of these philosophers argue for democracy and the freedom of conscience based on the argument that it is only within democratic social contexts that defend the freedom of conscience that individuals can gain true belief.

Misak's line of argument brings a different purpose for democracy. For Misak, democracy is important because it helps us discover the truth. Talisse and Swaine present arguments for the internalization of truth, where as Misak presents arguments as to why the opinions of the average citizen are important for the formation of truth.

This puts Misak in the under the same umbrella of a growing number of epistemic democrats. Epistemic democrats argue that democracy is a justified form of argument because it has an epistemic gain, it leads us closer to the truth. List and Goodin define epistemic democracy as such:

"The hallmark of the epistemic approach, in all its forms, is its fundamental premise that there exists some procedure-independent fact of the matter as to what the best or right outcome is. A pure epistemic approach

⁵⁹²See [instrumentalism]

tells us that our social decision rules ought be chosen so as to track that fact.”⁵⁹³

Some have traced this epistemic argument for democracy back to Aristotle,⁵⁹⁴ who wrote that:

The many, who are not as individuals excellent men, nevertheless can, when they have come together, be better than the few best people, not individually but collectively, just as feasts to which many contribute are better than feasts provided at one person's expense.⁵⁹⁵

Misak's argument depends on a certain understanding of truth as the end of inquiry. Her understanding of truth is a modified version of Pierce's pragmatism. To reconstruct her argument it is necessary to focus on the classical pragmatist Charles Peirce.

Misak and Peirce's approach to epistemology is best highlighted in relation to the epistemic background in which they developed. It is standard to discuss Peirce's writings in response to Descartes' foundationalism, and that is what we shall do in the following section. I shall focus on Descartes' metaphysical realism and foundationalism and state why Peirce argued for a pragmatic understanding of truth. I will then state how Misak differed from Peirce and developed an epistemology that could be used as a defense of democracy.

The Background to Pragmatism

Pierce's pragmatism is in response to Descartes epistemic skepticism. Contrasting Pierce's methodological approach with Descartes will help to clarify Pierce's methodology and highlight the problems which he hopes to solve. We will then discuss how Misak builds upon Pierce's ideas.

As a caveat, I am not trying to defend nor refute Descartes' epistemic methodology of global doubt and foundationalism. Arguably, much of Shi'i philosophy promotes a foundationalist methodology, and certain sections of

⁵⁹³Christin List and Robert E. Goodin, "Epistemic Democracy: Generalizing the Condorcet Jury Theorem," *Journal of Political Philosophy* 9, no. 3 (2001): 280, doi:[10.1111/1467-9760.00128](https://doi.org/10.1111/1467-9760.00128).

⁵⁹⁴Hélène Landemore, *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many* (Princeton: Princeton University Press, 2013), 59.

⁵⁹⁵Aristotle, *Politics*, trans. C. D. C. Reeve (Indianapolis: Hackett Publishing, 1998) III, 11, 1281a41-1281b2; 83.

classical texts are given to the examination of *badīhīyāt* or apparent foundational truths. Our endeavour here is to show how an epistemic methodology that considers truth to be the conclusion of an ideal end of inquiry is committed to social epistemology. The sections on Descartes and foundationalism are only important as a means of comparison.

Descartes' Epistemology

Descartes' epistemic enquiries in *Meditations on First Philosophy* became the central topic of concern in modern epistemology. There are two primary aspects to Descartes philosophical approach. The first was that the primary concern of successful philosophy was answering the main question of scepticism. The second is that scepticism can be saved only through a foundationalist methodology.

Descartes begins his inquiry through the epistemological concept of the mind-body dualism. He states that the mind is a mental state that is separate from the external world. We only have access to these mental facts which raises the question as to how we can have knowledge of facts in reality. He argued that Descartes reversed the order of knowledge and stated that knowledge should be defined by doubt.⁵⁹⁶ That is knowledge and doubt are on the same scale. What comes to be known as knowledge is that which has no doubt.

This led Descartes to make a distinction between conviction and knowledge. Conviction was when there might still be some reason that would lead us to doubt, whereas knowledge was a reason that could not be superseded by any other reason. His famous approach to constructing knowledge was to begin by doubting everything and then build knowledge up from certain irrefutable Archimedean points.

Descartes begins his introduction to the *Meditations of First Philosophy* by outlining his methodological doubt.

Some years ago I was struck by the large number of falsehoods that I had accepted as true in my childhood, and by the highly doubtful nature of the whole edifice that I had

⁵⁹⁶Lex Newman, "Descartes' Epistemology," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2010, <http://plato.stanford.edu/archives/fall2010/entries/descartes-epistemology/>.

subsequently based on them. I realized that it was necessary, once in the course of my life, to demolish everything completely and start again right from the foundations if I wanted to establish anything at all in the sciences that was stable and likely to last.⁵⁹⁷

Throughout the *Meditations of First Philosophy* Descartes describes his methodology as being similar to an architect. The architect first removes all the loose debris to reach a sturdy foundation, and starts building from that foundation. He writes:

Throughout my writings I have made it clear that my method imitates that of the architect. When an architect wants to build a house which is stable on ground where there is a sandy topsoil over underlying rock, or clay, or some other firm base, he begins by digging out a set of trenches from which he removes the sand, and anything resting on or mixed in with the sand, so that he can lay his foundations on firm soil. In the same way, I began by taking everything that was doubtful and throwing it out, like sand; and then, when I noticed that it is impossible to doubt that a doubting or thinking substance exists, I took this as the bedrock on which I could lay the foundations of my philosophy.⁵⁹⁸

Thus, there are two crucial aspects to Descartes' epistemology, and it is these two concepts that the pragmatists will touch on as well. The first, is that the Cartesian methodology requires that one begin by doubting all knowledge, a global skepticism. Second, one begins by rebuilding one's knowledge by building on undoubtable reasons; reasons that would not be negated by other reasons.

Pierce's Response

The pragmatists approach was started with the American philosopher, logician, mathematician, and scientist Charles Sanders Peirce (1839-1914). Peirce vocation was as a scientist and for 32 years Peirce worked for the U.S Coast and Geodetic Survey.

Peirce argued for a specific approach to epistemology. He argues that true belief is the belief that is arrived to after an ideal state of inquiry. On one hand, Pierce wanted to refute the correspondence theories of truth that considered truth to exist beyond human inquiry, and on the other hand he wanted to still keep the notion of truth and not fall into relativism. Peirce's

⁵⁹⁷ René Descartes, *The Philosophical Writings of Descartes*, trans. John Cottingham, Robert Stoothoff, and Dugald Murdoch (Cambridge: Cambridge University Press, 1984), 2:14.

⁵⁹⁸ Ibid., 2:366.

concept of truth is that a true belief is a belief that best fits the evidence given that we have inquired as far as reasonably possible.

It is in response to Cartesian doubt Pierce puts forward his pragmatic epistemology. His approach does not look after ideal solutions but rather focuses on where one is at the moment. Below, I'll discuss Peirce's replies to the two points listed above about Descartes' epistemology. The first response is that it is not possible for us to doubt all of our beliefs at once. The second response is that it is not possible to find basic foundations.

Anti-Skepticism and Anti-Foundationalism

In response to the first point, that the process of gaining knowledge is done by first doubting all knowledge, Pierce replies that this is not real doubt. In the "Fixation of Belief" Pierce describes doubt as "an uneasy and dissatisfied state from which we struggle to free ourselves and pass into the state of belief; while the latter is a calm and satisfactory state which we do not wish to avoid, or to change to a belief in anything else."⁵⁹⁹

What Pierce is interested in is real doubt. A real "dissatisfied state" that compels us to undertake an inquiry. Without real doubt there is no point to struggle for real belief and instead it is idle play. He writes:

Some philosophers have imagined that to start an inquiry it was only necessary to utter a question whether orally or by setting it down upon paper, and have even recommended us to begin our studies with questioning everything! But the mere putting of a proposition into the interrogative form does not stimulate the mind to any struggle after belief. There must be a real and living doubt, and without this all discussion idle.⁶⁰⁰

And specifically about Descartes' skepticism he writes:

We cannot begin with complete doubt. We must begin with all the prejudices which we actually have when we enter upon the study of philosophy. These prejudices are not to be dispelled by a maxim, for they are things which it does not occur to us can be questioned. Hence this initial skepticism will be a mere self-deception, and not real doubt...A person may, it is true, in the course of his studies, find reason to doubt what he began by believing; but in that case he doubts because he has a positive reason for it, and not on

⁵⁹⁹Peirce, *Collected Papers of Charles Sanders Peirce*, 5.372.

⁶⁰⁰*Ibid.*, 5.376.

account of the Cartesian maxim. Let us not pretend to doubt in philosophy what we do not doubt in our hearts.⁶⁰¹

Thus Pierce argues that doubt itself must have a justified reason. The reason, as it will be shown below, is that Peirce argues that we must begin our process of inquiry from where we are. We cannot doubt everything for that it is only upon knowledge that we can gain new knowledge. Starting from this initial state, we can only doubt a belief if there is a justified reason. Many philosophers, such as Hilary Putnam, consider Pierce's reply to Descartes as one of pragmatism's central contributions.

But one of the central contributions of pragmatism was to deny that doubt is always appropriate: the point of Peirce's celebrated charge that Descartes only thought he doubted the existence of the external world is that real doubt...requires a justification; it is not only beliefs that need to be justified, but also challenges to belief.⁶⁰²

In regards to Descartes' foundationalism, Pierce believes that there are no such foundations. One of Pierce's criticisms is based on the argument that foundationalism leads to infinite regress.⁶⁰³ The argument is that we only consider a concept to be foundational because of certain valid reasons. If we were to inquire further we would realise that even those reasons are based on valid reasons, and subsequently those reasons would also be based on other reasons. This cycle would continue infinitely.

Pierce then argues that if these foundational arguments were to exist, then they must be intuitive. That is, they appear to us without any argument or reason. Yet, these intuitive thoughts must themselves be known to be intuitive. But, he argues no thought can appear alone. All thoughts are connected together and they only make sense in these relationships.

...all the cognitive faculties we know of are relative, and consequently their products are relations. But a cognition of a relation is determined by previous cognitions. No cognition not determined by a previous cognition can be known. It [intuition] does not exist, then,

⁶⁰¹Ibid., 5.264.

⁶⁰²Hilary Putnam, *Realism with a Human Face* (Cambridge: Harvard University Press, 1992), 221.

⁶⁰³Robert Talisse and Scott Aikin, *Pragmatism: A Guide for the Perplexed* (London: Continuum, 2008), 29.

first because it is absolutely incognizable, and second because cognition exists insofar as it is known.⁶⁰⁴

For Pierce, the Cartesian project is not feasible on both accounts. Global skepticism is merely doubt on paper not a real doubt that would lead one to inquiry. And a search for foundations leads merely to infinite regress. What does Pierce propose instead? Pierce argues for fallibilism, and an understanding of truth as the end of an ideal state of inquiry.

Fallibilism

In response to the second point, about building from certain foundations, Pierce argues that rather than having foundations, we should instead start our inquiry from where we find ourselves and reconsider beliefs in a piecemeal fashion. “We must begin with all the prejudices which we actually have when we enter upon the study of philosophy.”⁶⁰⁵ Thus there is no need to consider certain beliefs as foundational, for they may be revised at any time.

But in truth, there is but one state of mind from which you can “set out,” namely the very state of mind in which you actually find yourself at the time you do “set out” – a state in which you are laden with an immense mass of cognition already formed, of which you cannot divest yourself if you would; and who knows whether, if you could, you would not have made all knowledge impossible to yourself? Do you call it *doubting* to write down on a piece of paper that you doubt? If so, doubt has nothing to do with serious business.⁶⁰⁶

As stated above Pierce is only interested in real doubt. We begin our inquiry with whatever beliefs we have at the time. A doubt is only considered legitimate if it causes us a “dissatisfied state” towards a belief that we are currently holding. We then begin our inquiry from this point to rid ourselves of this doubt. While we are inquiring about this particular doubt in question we assume that our beliefs, because we do not doubt them, are “absolutely true.”⁶⁰⁷ We can however, in the course of our inquiry come to question these other beliefs.

Misak summarizes this approach as follows

⁶⁰⁴Peirce, *Collected Papers of Charles Sanders Peirce*, 5.262.

⁶⁰⁵*Ibid.*, 5.264.

⁶⁰⁶*Ibid.*, 5.416.

⁶⁰⁷*Ibid.*, 5.416.

So on the pragmatist epistemology, justification requires a fallible background of belief which is not in fact in doubt. Only against such a background can a belief be put into doubt and a new, better, belief be adopted. All our beliefs are fallible but they come into doubt in a piecemeal fashion. Those that inquiry has not thrown into doubt are stable and warrant our belief. What this means for epistemologists is that we have no choice but to begin our theory about truth and objectivity from where we find ourselves, laden with thoughts about what counts as evidence, about what truth and objectivity are, about where agreement is difficult to purchase, etc.⁶⁰⁸

Correspondence

While Descartes also argued for a correspondence theory of truth, such that the foundationalist methodology would correlate to some existing reality, Pierce and the pragmatist instead take a different path.

Descartes also believed in the correspondence theory of truth: “I have never had any doubts about truth, because it seems a notion so transcendently clear that nobody can be ignorant of it...the word ‘truth’, in the strict sense, denotes the conformity of thought with its object”⁶⁰⁹

Pierce does not deny the correspondence theory of truth in total. He rather limits the applicability of such truths to the senses and basic empiricism. He regards these types of truths as either “nominal” or “transcendental.”

Richard Bernstein, a leading contemporary pragmatist, echoes a similar criticism against correspondence. After giving a simple example of how a correspondent theory of truth could work if one were to state that “It is raining” they could simply walk outside to check, he writes:

“Correspondence” or “agreement” works in such straightforward, noncontroversial instances, but things get much more confusing and messier when we are dealing with more complicated cases of philosophical, scientific, mathematical, or historical assertions. Here we can’t simply look and see; rather, we are required to give reasons to support our claims about what is objectively true. The very meaning and criteria for determining what does and does not correspond to objective reality aren’t at all clear.⁶¹⁰

⁶⁰⁸Cheryl J. Misak, *Truth, Politics, Morality: Pragmatism and Deliberation* (London; New York: Routledge, 2000), 53.

⁶⁰⁹Descartes, *The Philosophical Writings of Descartes*, 3:139.

⁶¹⁰Richard J. Bernstein, *The Pragmatic Turn* (Polity, 2013), 108.

Misak echoes a similar statement to Bernstein. She as well believes the correspondence theory of truth sets a requirement for truth that makes impractical.

Indeed, the correspondence theorist has trouble saying that we aim at the truth. For on her view, we cannot have any access to it, cannot know when we might have it, and cannot even know when we are on the right track. In what sense, then, can we aim at it?⁶¹¹

Pragmatic Truth

What then is the benchmark of truth for Peirce? Peirce's pragmatic conception of truth relies on two concepts; inquiry and convergence. Although truth is measured against the pragmatic maxim truth is not simply whatever happens to work at the time. Instead, we can only label something as true only if it has gone through a thorough inquiry and others would converge upon given an ideal epistemic inquiry.

The standard reading of Peirce's concept of truth is that he relies on convergence, although a few pragmatic scholars have tried to argue against this point. Peirce considers truth to be the final state of inquiry after an ideal state of investigation that diverse opinions have converged upon. He writes:

The opinion which is fated to be ultimately agreed to by all who investigate, is what we mean by truth, and the object represented in this opinion is the real.⁶¹²

Elsewhere he has written:

The logical warrant [for accepting a theory as true] is that this method persistently applied to the problem must in the long run produce a convergence to the truth, for the truth of a theory consists largely in this, that every perceptual deduction from it is verified.⁶¹³

The concept of truth for Peirce is a social phenomenon and not solely a question of an individual's epistemic attempts. This theme of social epistemology has gained much attention as of late, and some have argued that it should be the prime question within the topic of epistemology. There are differences between the Classical Pragmatists and the New Pragmatists, especially concerning the concept of convergence. Some have argued that

⁶¹¹ Misak, Truth, Politics, Morality.

⁶¹² Peirce, Collected Papers of Charles Sanders Peirce, 5.407.

⁶¹³ Ibid., 2.775.

the formulation of convergence as stipulated by Peirce is unattainable.⁶¹⁴

Misak has a reformulated version of this argument, one that I think is attainable, but still comes under criticism from the likes of Bernstein.

New Pragmatists, such as Robert Talisse and Cheryl Misak, will build upon the insights gained from Peirce to develop an epistemic defense of democracy. They argue that our commitment to inquiry and the truth requires that we have an open deliberation that considers arguments from a variety of viewpoints. While the New Pragmatists are trying to use Peirce's ideas for democracy, Peirce himself was not very fond of it. In his old age Peirce considered himself an "ultra-conservative" and that he was "an old-fashioned Christian, a believer in the efficacy of prayer, an opponent of female suffrage and of universal male suffrage, in favor of letting business-methods develop without the interference of law, a disbeliever in democracy..."⁶¹⁵

Cheryl Misak

Later philosophers have built upon Peirce's concept of truth as the end of inquiry, although they have diverged in many significant ways. These divergences make it difficult to state the thoughts of entire school of Pragmatism. Misak, however, builds on Peirce's Pragmatism to develop a social epistemology that will help to analyze the current *'uṣūlī* trends.

She articulates a similar concept of truth as Peirce, but one which lightens up on the strict constraint of convergence put forward by Peirce.

Pragmatists sometimes put this idea in the following unhelpful way: a true belief is one which would be agreed upon at the hypothetical end of inquiry. But a better characterisation is that a true belief is one that would withstand doubt, were we to inquire as far as we fruitfully could on the matter. A true belief is such that, no matter how much further we were to investigate and debate, that belief would not be overturned by recalcitrant experience and argument.⁶¹⁶

This slight difference broadens the scope of what can be considered as truth. Peirce might have set the limit of too far when he stated that the truth

⁶¹⁴Bernstein, *The Pragmatic Turn*, 112.

⁶¹⁵MS 645, Peirce Papers, Houghton Library, Harvard University as quoted in James Hoopes, *Community Denied: The Wrong Turn of Pragmatic Liberalism* (Cornell University Press, 1998), 19.

⁶¹⁶Misak, *Truth, Politics, Morality*, 49.

might “ultimately agreed to be all who investigate.” Misak considers the formulation to better because “the new formulation does not require the pragmatist to attempt the doomed task of saying just what is meant by the hypothetical end of inquiry, cognitively ideal conditions, or perfect evidence, whatever these might be.”⁶¹⁷

If truth is the belief which would best fit with the evidence, were we to have so much by way of good evidence that no further evidence would overturn the belief, then a rational belief is the belief which best fits with the evidence that we currently have. If truth is what would be justified by the principles of inquiry, were inquiry to be pursued as far as it could fruitfully go, then a rational belief is one which is justified by the current principles of inquiry. There is no gap between what we take, after careful consideration, to be rational and what is rational. Although we are never in a position to judge whether a belief is true or not, we will often be in a position to judge whether it is the best belief given the current state of inquiry.⁶¹⁸

Intellectual History of Misak

Yet, it is interesting to look at the climate that Misak is writing in. She writes at a time where moral philosophy does not argue for any type of objectivity but is instead interested in process. Misak herself is aware of the climate that she is writing in and dedicates the initial chapters of her book to it. She comments on both Rorty and Rawls. While Rorty’s borderline relativism is well known, the comments from Rawls are most enlightening, specifically given the degree of influence that Rawls has had in moral philosophy.

Rawls is quite clear in how he trying to establish a political concept of justice, one that is not metaphysical and ‘does without the concept of truth.’⁶¹⁹ He spends a great deal of time working out his political constructivism, one that takes reasonableness to be the measurement of correctness and not truth.

Political constructivism does not criticize, then, religious, philosophical, or metaphysical accounts of the truth of moral judgments and of their validity. Reasonableness is its standard of correctness, and given its political aims, it need not go beyond that.⁶²⁰

⁶¹⁷ Ibid., 49–50.

⁶¹⁸ Ibid., 56–57.

⁶¹⁹ Rawls, Political Liberalism, 94.

⁶²⁰ Ibid., 127.

Not only does Rawls believe truth to be irrelevant to political constructivism, but it can also be harmful to it. Rawls' entire argument rests on a fact of reasonable pluralism, such that we will not be able to convince others of facts that we consider to be true. Thus he argues that comprehensive notions of truth make it nearly impossible to develop an overlapping consensus. "A zeal for the whole truth tempts us to a broader and deeper unity that cannot be justified by public reason."⁶²¹

Misak does paint a more negative picture of Rawls by assuming that Rawls considers the inclusion of truth to also include zeal, and a struggle to win the world over.⁶²² These claims are rather over the top and she does cite them without context. The furthest claim that Rawls takes against truth is that we will be able to convince everyone of the facts that we consider to be true. Not that any mention of truth in politics necessitates zeal and domination.

Nonetheless, Misak counters this climate by referring back to Carl Schmitt, a Weimar legal scholar who sided with the Nazis. While some moral relativists, even well known Shi'i relativists such as Soroush, argue that since one cannot objectively know what the moral truth is, then one must respect and tolerate other view points, Schmitt takes a different turn. In a tone similar to Nietzsche and Schopenhauer, he argues that because morality is relative then the world is split up into self-identified friends and enemies. And it is the power of will and conviction that the strongest will win. He famously argued that politics requires an ultimate distinction which would be the foundation for all political thought. That political distinction is between friend and enemy.⁶²³

Once this ultimate distinction has been made, it is now up to the individual to decide who is friend and foe and to what extent the foe must be fought. It is here that Misak quotes Schmitt:

...each has to decide for himself whether in the concrete situation the otherness of the stranger signifies the negation of his own way of life so that he has to be fended off and fought in order to preserve the way of life that is existentially important.⁶²⁴

⁶²¹Ibid., 42–43.

⁶²²Misak, *Truth, Politics, Morality*, 21.

⁶²³Carl Schmitt, *The Concept of the Political*, trans. George Schwab (Chicago: University of Chicago Press, 2007), 26.

⁶²⁴Ibid., 27.

Schmitt writes that liberalism will eventually lose out to a series of individuals that have the political will to push their agenda forward. Misak rephrases the dilemma presented by Schmitt and asks, "If there is no objective right or wrong in moral matters, then what prevents one from adopting Schmitt's line rather than the line of tolerance?"⁶²⁵ And it is in light of this question that she argues about the importance of objectivity in moral and political philosophy.

Lucas Swaine also makes a similar comment. Although he does not refer to Carl Schmitt, as we have quoted earlier Swaine argues that "...the arguments liberals have given to theocrats on crucial points of political and legal justification remain philosophically unsatisfactory."⁶²⁶

Although Misak and Swaine do critique Rawls quite heavily, in his defense this is a question that he simply was not interested in. It is not that Rawls gave an unsatisfactory answer, but that he gave no real answer to this question. As stated earlier, Rawls was focused on procedure. He considered fairness and deliberation to be key conditions of legitimacy, not the probability of truth. It simply didn't matter to Rawls if a certain moral or political action was truly the correct moral action, what mattered was the way that decision was made.

Moreover, Rawls was not interested in winning over people like Schmitt. He considered that his political liberalism start "within the tradition of democratic thought"⁶²⁷ and already embedded in it's social and political history. He did not believe that we had to argue for democracy from scratch. Thus he is not writing to justify his theory to Totalitarians, he is writing to those already engaged in a democratic process.

Nonetheless, Misak argues that the arguments put forward by Rawls and other non-cognitivts "that the advocate of tolerance has nothing to say to the Schmittian."⁶²⁸ Moreover the non-cognitivists has "nothing to say to herself

⁶²⁵Misak, Truth, Politics, Morality, 11.

⁶²⁶Swaine, The Liberal Conscience xiv.

⁶²⁷Rawls, Political Liberalism, 18.

⁶²⁸Misak, Truth, Politics, Morality, 103.

about why she is right in thinking as she does rather than as the Schmittian does.”⁶²⁹

This is where the *’uṣūlīs* and pragmatists like Misak are on the same side. They both believe that if a moral or political action is to be justified, then it must have some sort of justification, or in *’uṣūl* terms *ḥujjāh*. It is from this background that Misak puts forward an objective form of morality.

Objectivity and the Community of Inquirers

In reply to the relativism put forward by Schmitt, Misak argues that we do have can be an objective moral understanding, and that this moral understanding is the underpinning of democracy. Moreover, she argues that we can have objectivity in morality without having a correspondent conception of truth. She is trying to neither represent morality as being relative, nor does she want to say that the truth of morality is in its correspondence.

My suggestion is that truth is not at the mercy of the vagaries of individuals, as some suppose it to be, nor is it a matter of getting right the believer- independent world, as others suppose. It has, I shall argue, enough marks of the objective to be deserving of that label, suitably qualified. I shall try, that is, to present a view of truth and objectivity which undermines the usual all-or- nothing dichotomies and which gives us everything we could reasonably want.⁶³⁰

This has similar debates in *’uṣūl*. The *’uṣūlīs* also want to have an objective morality, which they derive from the methodology presented in *’uṣūl*, and at the same time they do not believe that this objective morality corresponds to the real morality in the *lawḥ al-maḥfūz*. They are then presented with the same dilemma, how can this morality be objective?

Misak answers this question by referring to her understanding of inquiry and to the community of inquirers. Thus, objectivity is gained through the concept of convergence mentioned earlier, such that a true belief is “one that would withstand doubt, were we to inquire as far as we fruitfully could on the matter.”⁶³¹ This concept of inquiring as fruitfully as possible not based on the individual. The end of inquiry is not the end when the individual has

⁶²⁹Ibid., 103.

⁶³⁰Ibid., 2.

⁶³¹Ibid., 49.

exhausted all other options. The end of inquiry ends with the community of inquirers: “The pragmatist takes correct judgement not to be a matter for the individual, even though it is the individual who does the judging, but as a matter for the community of inquirers.”⁶³²

Misak tries to solve this dilemma by turning back to inquiry, and especially the concept of convergence. Although, as we stated above, she doesn’t ascribe to the weighty concept of convergence that Peirce did she does ascribe to lighter version of that concept of convergence. And it is through this social epistemology that she states brings about objectivity:

Individuals are the possessors of belief, but whether or not a person’s belief is correct is a matter of what the community would determine. What fits with my experience is not of paramount importance as far as truth is concerned. What is important is what fits with all the experience that would be available, what the community of inquirers would converge upon.⁶³³

Robert Talisse also argues in a similar fashion

The Peircean claim is that, no matter what one thinks about Big Questions concerning, say, human nature, the good life, the nature of evil, or man’s place in the cosmos, one must recognize a prevailing epistemic interest in getting one’s answers to Big Questions right. And getting right answers to such questions requires that one have access to the kind of epistemic processes that can exist only under democratic conditions.⁶³⁴

Misak, however, is not unique in ascribing objectivity to a social process. There has been a long debate in the philosophy of science, partially inspired by Peirce, about the social creation of knowledge. In regards to the objective nature of social inquiry, Helen Longino, argues that “the objectivity of science is secured by the social character of inquiry.”⁶³⁵

She argues that the data and observations that are attained through empirical data are only part of the story of scientific inquiry, and that the objectivity of this empirical data must be qualified. While the measurements and results are reliable there are still background assumptions as to what types of data can defend a particular hypothesis.

⁶³²Ibid., 95.

⁶³³Ibid., 95.

⁶³⁴Robert B. Talisse, *A Pragmatist Philosophy of Democracy* (Routledge, 2007), 86.

⁶³⁵Helen E. Longino, *Science as Social Knowledge* (Princeton: Princeton University Press, 1990), 62.

Because the relation between hypotheses and evidence is mediated by background assumptions that themselves may not be subject to empirical confirmation or disconfirmation, and that may be infused with metaphysical or normative considerations, it would be a mistake to identify the objectivity of scientific methods with their empirical features alone.⁶³⁶

It is, therefore, the community of scientists that produce knowledge, and it is not single individuals or particular research labs: “What is called scientific knowledge, then, is produced by a community (ultimately the community of all scientific practitioners) and transcends the contributions of any individual or even of any subcommunity within the larger community.”⁶³⁷

She argues that current model of peer review makes the social character of objectivity apparent. “The social character of scientific knowledge is made especially apparent by the organization of late twentieth-century science, in which the production of knowledge is crucially determined by the gatekeeping of peer review.”⁶³⁸

And she summarizes that “scientific knowledge is, therefore, social knowledge. It is produced by processes that are intrinsically social, and once a theory, hypothesis, or set of data has been accepted by a community, it becomes a public resource.”⁶³⁹

Longino and Misak argue along similar lines in regards to objectivity. For them, objectivity is not achieved through the sole efforts of the individual, it is instead a social process. There is not enough space to explore this further, but they both have caveats in terms of what this social process should look like, and do take into consideration the use and abuse of power as put forward by Bourdieu and Foucault.⁶⁴⁰ For both authors as well, the individual still has the ability to think up new ideas and put forward new hypothesis. They are not abounding the individual in total. Instead, they argue that objectivity is only attainable through communal efforts. What I would like to explore in the next section, is to what extent do we extend this understanding of community.

⁶³⁶Ibid., 69.

⁶³⁷Ibid., 75.

⁶³⁸Ibid., 68.

⁶³⁹Ibid., 75.

⁶⁴⁰Foucault, *Archaeology of Knowledge*; Pierre Bourdieu, *Pascalian Meditations*.

What is important for both authors, is that they try to argue for objectivity but at the same time not to lose sight of reasonable pluralism. Misak argues that her pragmatic approach “does not try to idealise inquiry by requiring it to aim at getting the one answer for all. Moral judgement can be seen as being truth-apt without denying that disagreement might well persist and without denying the fact of pluralism or watering down what is good about pluralism.”⁶⁴¹

Autonomy and the Empirical Evidence for Epistemic Gain

Misak and Longino both consider the community and public deliberation to be an important part of objectivity and the creation of knowledge. Longino talks about this knowledge as being a “public resource.”⁶⁴² Longino does, however, seem to restrict this understanding of community to “ultimately the community of all scientific practitioners...”⁶⁴³ This seems to suggest that it is a community of experts.

Misak on the other hand extends her concept of community to the greater public. She does this in two counts. The first is expanding the general understanding of community such that it is not limited to a communitarian understanding. Second, she tries to reduce the role of experts, in this case moral philosophers. She does this by arguing that there should be no formal systems within moral philosophy and that moral philosophers should have a more diminished role than they currently do.

In terms of community, Misak tries to move beyond communitarian constraints. She argues that although communities do have a paradigm of moral understanding they are not alone in their experiences and understanding of the world. She uses the Southern African Xhosa as an example, such “that the Xhosa and all of those who are affected by Xhosa decisions do not have a monopoly on experiences relevant to Xhosa

⁶⁴¹ Misak, Truth, Politics, Morality, 131.

⁶⁴² Longino, Science as Social Knowledge, 75.

⁶⁴³ Ibid., 75.

morality.”⁶⁴⁴ It is possible that other communities that been dispossessed of their land will be able to relate the experiences of the Xhosa.

She also argues that it is simply not possible to demarcate the limits of a community. “The pragmatist will also pull away from communitarianism by noting that it is extremely difficult, if not downright impossible, to define or individuate a culture, community, way of life, or a conception of the good.”⁶⁴⁵ This problem of demarcation requires us to include all those that we can in our deliberation.

Ultimately, she argues that she is “sympathetic to the idea that we all share a tremendous amount, that there is only one community of inquirers, that we must think of inquiry as embracing all peoples and cultures.”⁶⁴⁶ Her understanding of

Moreover, Misak diminishes the roles that experts play in deliberation about moral issues. In general the philosopher “will have to be quieter than she sometimes has been.”⁶⁴⁷ This is for two main reasons. First, she denies that there is a need for any systematic theory in order to decipher moral issues:

My suggestion has been that the philosopher or theorist should not take any system or any one set of rules to be such as to give us a procedure for making correct moral and political judgements – things are more complicated than that. The pragmatist thus builds the full complexity or the full richness of our moral lives into the position at the outset. The reply to Korsgaard is that a systematic theory makes sense of morality only at the expense of losing its grip on how morality *is*.⁶⁴⁸

Secondly, she values the capabilities of ordinary citizens and their capabilities in deliberating in moral issues:

This does not mean only, or even mainly, philosophers, ‘experts’ who sit on ethics boards in hospitals, and those novelists and essayists who engage particular issues. As feminists have stressed, we must not underestimate the value of listening to ordinary people’s own stories – their accounts of how injustice, for instance, has played a part in their lives.⁶⁴⁹

⁶⁴⁴Misak, *Truth, Politics, Morality*, 131.

⁶⁴⁵*Ibid.*, 132.

⁶⁴⁶*Ibid.*, 133.

⁶⁴⁷*Ibid.*, 126.

⁶⁴⁸*Ibid.*, 129.

⁶⁴⁹*Ibid.*, 126.

Ultimately, Misak claims that the process of understanding morality is dependent upon the equal deliberation of all participants. This includes those formally trained in some field of moral deliberation – such as philosophers, social workers, or religious figures – as well as ordinary citizens. None of these expert groups can say which moral judgements are correct but

So discovering the texture and the ins and outs of a moral claim is not the sole province of the moral epistemologist. It is something for all those who take an interest – the novelist, the cultural commentator, the rabbi, the priest, and the ordinary person caught up in moral tangles. Philosophy, I have argued, must be reluctant to pronounce in any detail on how that deliberation should be conducted. It cannot, apart from giving us some rough guidelines, tell us which moral judgements are correct. But it can tell us how to make sense of moral judgements. It can tell us how to think of moral belief and assertion because it can tell us how to think of belief and assertion.⁶⁵⁰

It is clear that Misak broadens the scope of the community of inquirers much further than Longino does. Misak includes everybody across all walks of life with each having an equal say in the matter. An understandable conclusion for someone putting forward an argument for democracy. There are clearly many criticisms of this approach. Yet one criticism which I will focus on is the capability of non-experts to weigh in on difficult questions.

I assume that the reason Longino limited her understanding of community solely to the community of scientists is that she believes it takes a certain degree of expertise in order to be able to pass judgement on scientific matters. Non-experts would simply not have that degree expertise. No journal sends an article to be peer reviewed by the average person. In this line of thought a question can be posed to Misak's approach. Do average citizens have the epistemic capabilities to be able to contribute the process of moral inquiry? In the next section, I will present a few opinions that vote for a clear no.

People are Primitive and Infantile

Although many liberals build their political philosophy on an ambivalence towards the notion of truth, others saw the non-expert as being epistemologically incompetent to partake any notions of truth or even

⁶⁵⁰Ibid., 126.

governance, a line of argument that can be traced back to Plato. Although it isn't necessary to go so far back, for many contemporary Western intellectuals also hold similar views.

One of the main figures in this elitist construction of democracy is Joseph Schumpeter. Schumpeter was one of the most influential economists of the 20th century, and his book *Capitalism, Socialism, Democracy* is considered as "one of the classics in twentieth century social science."⁶⁵¹ Schumpeter had extremely pessimistic view of the epistemic capabilities of the average citizen. In the matter of politics they are simply infantile and primitive:

Thus the typical citizen drops down to a lower level of mental performance as soon as he enters the political field. He argues and analyzes in a way which he would readily recognize as infantile within the sphere of his real interests. He becomes a primitive again.⁶⁵²

Due to his pessimistic views of the average citizen, Schumpeter put forward an elitist model of democracy that constrained the participation of the citizen to the simple act of electing representatives. Voters must "respect the division of labor between themselves and the politicians they elect"⁶⁵³ and that "once they have elected an individual, political action is his business and not theirs."⁶⁵⁴

Schumpeter is not alone in his analysis. More contemporary scholars also echo this position. Richard Posner, one of the most cited legal scholars of the 20th century,⁶⁵⁵ argues for a conception of democracy that "models the democratic process as a competitive power struggle among members of a political elite (not to be confused with a moral or intellectual elite) for the electoral support of the masses."⁶⁵⁶

⁶⁵¹ Joseph A. Schumpeter, *Capitalism, Socialism and Democracy* (London: Routledge, 1994) ix.

⁶⁵² *Ibid.*, 262.

⁶⁵³ *Ibid.*, 295.

⁶⁵⁴ *Ibid.*, 295.

⁶⁵⁵ Fred R. Shapiro, "The Most-Cited Legal Scholars," *The Journal of Legal Studies* 29, no. S1 (January 1, 2000): 409–26, <http://www.jstor.org/stable/10.1086/468080>.

⁶⁵⁶ Richard Posner, *Law, Pragmatism, and Democracy* (Cambridge: Harvard University Press, 2003), 130.

Posner argues for an elitist conception of democracy because he is highly critical of the epistemic capabilities of the average citizen. He is critical of deliberative conceptions of democracy and takes John Dewey to task for his stances towards the epistemic qualities of the average citizen. John Dewey (d. 1952) was a pragmatic philosopher that argued for broadening the deliberative participation of democracy.⁶⁵⁷ In response to Dewey's pragmatic position towards deliberative democracy, Posner writes:

The problem with the suggested linkage between epistemic and political democracy ...is that deliberative democracy, at least as conceived of by Dewey, is as purely aspirational and unrealistic as rule by Platonic guardians. With half the population having an IQ below 100 ...with the issues confronting modern government highly complex, with ordinary people having as little interest in complex policy issues as they have aptitude for them, and with the officials whom the people elect buffeted by interest groups and the pressures of competitive elections, it would be unrealistic to expect good ideas and sensible policies to emerge from the intellectual disorder that is democratic politics by a process aptly termed deliberative.⁶⁵⁸

Posner argues that while there is not have advantages that depend on deliberation or epistemic gain, it does have the advantage of enabling "public opinion to be reliably determined."⁶⁵⁹ The feedback that is gained from public opinion can be can help inform policy decisions of the political elites.

There are plethora of other modern intellectuals that argue that the average citizen does not have the intellectual capacity to make the informed decisions that are necessary to run a well functioning society.⁶⁶⁰ There is unfortunately, a wealth of empirical data that seems to support their arguments. Delli and Keeter have written one of the most thorough studies on the surveys conducted on the general political knowledge. This includes surveys that have been conducted spanning from 1940 to 1994. They show that indeed some facts in regards to political institutions and processes were successfully answered by the majority of those surveyed. Although they considered these results as encouraging, over half of the questions asked

⁶⁵⁷ John Dewey, *Democracy and Education* (Mineola, NY: Dover Publications, 2004).

⁶⁵⁸ Ibid., 107.

⁶⁵⁹ Ibid., 108.

⁶⁶⁰ Landemore, *Democratic Reason*, 27–53.

were not successfully answered by the majority.⁶⁶¹ These included questions that were deemed to be “critical to understanding politics in the United States.”⁶⁶² This included general information such that less than half of the people questioned could define *liberal* and *conservative*, *NATO*, *bipartisan foreign policy*, or *primary elections*.⁶⁶³ When it turned to matters that seemed In terms of knowledge of economics, of the roughly 80 questions that were asked “less than 5 percent of the questions were correctly answered by at least three-quarters of the public.”⁶⁶⁴ Questions in regards to foreign countries did not fair much better. The majority of Americans could not correctly answer if Japan was a democratic country. Moreover, some would project optimistic results to the political system such that 29 percent of Americans believed the Constitution guarantees a job, 42 percent that it guarantees health care, and 75 percent believed that it guarantees a high school education. Although the cross national data does show that “Americans are less informed than citizens of other nations.”⁶⁶⁵ the comparative survey data does not show citizens of other countries as being well informed.

This empirical data seems to support those who deny that democracy has any epistemic proprieties. If the majority of citizens cannot answer basic questions about politics, and if they fail to show any general political knowledge, how can they possibly provide any epistemic gain?

Empirical Evidence in Support

Other epistemic democrats have argued instead that there is empirical evidence that democracy has an epistemic gain. In *Democratic Reason* Hélène Landemore puts forward a defence for democracy on this ground. In regards to the surveys presented above about the general ignorance of the public about political matters, Landemore believes that

⁶⁶¹Michael X. Delli Carpini and Scott Keeter, *What Americans Know About Politics and Why It Matters* (New Haven: Yale University Press, 1996), 72.

⁶⁶²*Ibid.*, 72.

⁶⁶³*Ibid.*, 72.

⁶⁶⁴*Ibid.*, 71–72.

⁶⁶⁵*Ibid.*, 89.

Landemore bases her argument on a model of cognitive diversity presented by Scott Page.⁶⁶⁶ Page argues that groups that have diverse cognitive view points will perform better than those that have purely better cognitive abilities. He calls this the “diversity trumps ability” theory. Landemore builds on this model by arguing that democracy “ensures greater cognitive diversity.”⁶⁶⁷

Page’s theory is mostly a theoretical model, but he does provide empirical evidence in support of his theory. I will not be analyzing his theoretical model given the intricacies involved, but will instead focus on the empirical evidence provided. Page does, however, approach the empirical research with two caveats. First, when we are looking for a performance gain we shouldn’t be looking for anything large, such as 20% or higher. That’s because even apparently modest gains of 2–3% compound over time to give great gains. And really a gain of 2–3% is highly valued by many businesses. The second caveat is that working in a cognitive diverse team is like riding a bicycle. It will not reach your destination faster unless you learn how to ride a bicycle. Similarly, cognitive diverse teams will not produce any gains unless the team learns how to work together. He even provides a small theorem for this:

Net Benefits of Diversity = Gross Benefits of Diverse Tools – Costs of Diversity

I’m doubtful about the usefulness of this theorem given that it only redefines the word ‘net.’ Moreover, Page’s restriction that we have to have the training and experience in working in cognitive diverse teams puts a limitation on the impact that the empirical evidence can provide us. The reason being that any type of group work given the proper training and experience can learn how to receive optimal results given sub-optimal conditions. Moreover, even the conclusions that he reaches are highly qualified:

⁶⁶⁶Landemore, *Democratic Reason*, 102–3.

⁶⁶⁷*Ibid.*, 104.

Identity diverse groups perform better when the task is primarily problem solving, when their identities translate into relevant tools, when they have little or no preference diversity, and when their members get along with one another.⁶⁶⁸

Arguably, the last two conditions could be attached to variety of team compositions and they would also provide above average results. It is therefore difficult to find studies that take into consideration all of the caveats and qualifications that Page has put forward. A meta-analysis of diversity and team performance concluded that diversity only had a “small positive relationship with general team performance”⁶⁶⁹ while others argue that “the hypotheses concerning the effects of cognitive diversity on firm performance received mixed support.”⁶⁷⁰ The evidence that Page presents is simply not concrete enough to justify Page’s claim and it is even less capable of supporting Landemore’s stronger claim.

Yet even if we were to agree that Page’s empirical evidence does provide empirical evidence for his theory, it still would not provide enough evidence for Landemore’s argument. Landemore is arguing that by including even non-experts in deliberation we would have an epistemic gain, where as Page’s results only deal with teams of experts. Landemore is arguing that the inclusion of non-experts will have an epistemic gain even in areas that require expertise. It is one thing to show a group of expert political scientists, sociologists, and philosophers will have an overall epistemic gain due to their cognitive diversity, and something else in total that the same can be said about the inclusion of an average citizen that has not have the same technical expertise. Those that deny that democracy has any epistemic value refer to types of surveys we mentioned above about the general ignorance of the average citizen. They are not arguing about the cognitive diversity of a group of experts.

⁶⁶⁸Scott E. Page, *The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies* (Princeton: Princeton University Press, 2008), 328.

⁶⁶⁹Suzanne T. Bell et al., “Getting Specific About Demographic Diversity Variable and Team Performance Relationships: A Meta-Analysis,” *Journal of Management* 37, no. 3 (May 1, 2011): 709, doi:[10.1177/0149206310365001](https://doi.org/10.1177/0149206310365001).

⁶⁷⁰Martin Kilduff, Reinhard Angelmar, and Ajay Mehra, “Top Management-Team Diversity and Firm Performance: Examining the Role of Cognitions,” *Organization Science* 11, no. 1 (January 1, 2000): 31, <http://www.jstor.org/stable/2640403>.

Landemore and Misak do not make a distinction between experts and non-experts. This is crucial not only to strengthen their arguments but to present a case for the inclusion of non-experts in the process of *ijtihād*. The arguments that both philosophers are trying to make is that the inclusion of average citizens in the process of deliberation is an epistemic gain. Yet, it seems that both of them fail to demonstrate how the inclusion of non-experts has any gain over the mere inclusion of diverse group of experts.

Unaccredited and Interactional Expertise

This section will show how non-experts can provide an epistemic gain to a process of inquiry even if that inquiry is highly technical. This will be done by arguing for two new types of expertise: interactional and unaccredited. This section will answer a fundamental question; how can non-experts provide an epistemic gain? This is a question that underlies the arguments put forward by Misak and Landemore. They both argue for the inclusion of average citizens in political deliberation and argue against epistocracy. Epistocracy being the political rule of experts. This inclusion of the average citizen, and denial of epistocracy, implies that non-experts provide an epistemic gain. For if all the average citizens were considered to be experts then that would by definition be an epistocracy.

Yet, as we stated in the previous section, neither Landemore nor Misak put forward clear arguments for the epistemic advantages gained by the inclusion of non-experts in deliberation and inquiry. Landemore uses Page's theory of cognitive diversity, but Page only provides examples of groups of experts. Misak argues along similar lines and states that having different individuals examine a problem from different angles will lead help to discover the truth, but is not explicit about how the inclusion of the non-experts adds anything more to the deliberation than a group of experts would. She does, however, quickly touch on the this subject and it will be discussed below.

Moreover, this question about the possible epistemic advantages gained by including non-experts is key to my argument that non-experts should play, and sometimes currently do play, a pivotal role in the process of *ijtihād*. Currently, *ijtihād* is seen as being an activity that is sole responsibility of the expert, the mujtahid. The formulation of rulings is dependent upon a

complicated inquiry that is outside the abilities of the non-expert. However, if non-experts do possess a type of knowledge that is simultaneously useful to the inquiry and only available to the non-expert then including them they must be included in the inquiry in order to meet the conditions required by the inquiry.

History of Expertise

What I am proposing here, about the inclusion of non-experts in technical inquiries, have been previously put forward in the philosophy of science and political science. I will first present the theories and arguments presented in these two fields, and then discuss how I build upon them.

The first study I will be referencing is in the philosophy of science. There are current debates in the philosophy of science about the role of non-experts in technical scientific inquiry. Philip Kitcher argues that non-experts can help define which topics are worthy of inquiry and argues for a more democratic understanding of science. He argues that because scientists are interested in discovering not just truths, but rather “*significant* truths.”⁶⁷¹ The way we understand a truth to be significant, however, is through democratic deliberation.

There have been, however, movements within the philosophy of science that call for the greater inclusion of non-experts within scientific inquiry. Harry Collins and Robert Evans call for such an inclusion. They state that within the philosophy of science there are two general problems; legitimacy and extension. The first is the problem of legitimacy. The problem of legitimacy is “about how we can continue to introduce new technologies in the face of the widespread and growing distrust of certain areas of science and technology.”⁶⁷² Here Collins and Evans argue for the inclusion of non-experts in scientific inquiry such that they can better understand science and to be able to internalize the research findings. The authors argue that “public have

⁶⁷¹ Philip Kitcher, *Science, Truth, and Democracy* (Oxford; New York: Oxford University Press, 2001), 65.

⁶⁷² Harry Collins and Robert Evans, *Rethinking Expertise* (Chicago: University of Chicago Press, 2007), 9.

the political right to contribute, and without their contribution technological developments will be distrusted and perhaps resisted.”⁶⁷³

Given that the issue of internalization and legitimation was discussed in previous chapters on SDT,⁶⁷⁴ I will not discuss it again here. Although it is interesting to note that this problem of legitimation is not unique to Islamic or traditional authority, but rather it affects all types of authority. This gives more weight to Talal Asad’s argument⁶⁷⁵ that discourse is a natural part of the formation of tradition, and discursive practices should not be interpreted as a lack of authority.

The second problem that they consider is the problem of extension. This problem deals with the extent that scientist would incorporate non-experts. Or as the authors argue “how do we know how, when, and why, to limit participation in technological decision-making so that the boundary between the knowledge of the expert and that of the layperson does not disappear?”⁶⁷⁶ The author’s argue that “only those who ‘know what they are talking about’ should contribute to the technical part of technical debates.”⁶⁷⁷

Collins and Evans then set out to broaden the scope of who we would traditionally understand as experts, or people who “know what they are talking about.” There are two types of expertise that they describe which are relevant to the discussion at hand. This is interactional expertise and local expertise.

Two New Types of Expertise

Collins and Evans divide expertise into three main parts. No expertise, contributory expertise, and interactional expertise. They spend the most amount of time on interactional expertise, which is a new concept that they are trying to develop. The first two types of expertise are quite clear, and standard. If one does not have any expertise, then one does not count as an expert. Contributory expertise is when a practitioner has gained enough level of proficiency that the can start contributing to the field, or, as they define it, it

⁶⁷³Ibid., 126.

⁶⁷⁴See Chapter [SDT]

⁶⁷⁵See Section [tradition-as-discourse]

⁶⁷⁶Ibid., 19.

⁶⁷⁷Ibid., 126.

is “what you need to do an activity with competence.”⁶⁷⁸ By contribution, it means that increase knowledge base in that field.

Interactional Expertise

Interactional expertise is rather different. Interactional expertise is when one understands the field, but is not a practitioner. It “is the ability to master the language of a specialist domain in the absence of practical competence.”⁶⁷⁹ This would include for example managers in software development companies. They know enough about software development and the project at hand, that they can make value decisions on which course of action to take. Yet, they cannot sit down and actually develop the software. The same is true for peer review journals. One scholar may be an expert in her field, but have interactional expertise in another field. This means that even though she cannot contribute to the particular sub-field that she is reviewing, she can make value judgements in the peer review process.

In addition, the authors have conducted several experiments to show that interactional experts can have high level of expertise. This consisted of two types of experiments. One regarded color blind individuals, and the other was about gravitational wave physics. The experiment with color blind individuals showed that while color blind individuals could not see particular colors, meaning that they were not active practitioners, they did have enough interactional expertise where they could actually discern between different types of colors. Their expertise was at a level that judges could not discern which participant was color blind and which wasn't. The same was true for the physics test.

Experts Without Formal Qualifications

In addition to the concepts of expertise, Collins and Evans develop meta-expertise. Meta-expertise are “are expertises used to judge other expertises.”⁶⁸⁰ It is under this topic that they discuss varying methods that are used to distinguish an expert. One method discussed is the use of credentials. Collins and Evans argue that credentials are “not a good criterion for setting a

⁶⁷⁸Ibid., 14.

⁶⁷⁹Ibid., 14.

⁶⁸⁰Ibid., 45.

boundary around expertise.”⁶⁸¹ The reason being that not all topics will actually have an institutional form of expertise, but more importantly one can have an expertise without having credentials. This is done through experience.

The authors argue that experience is one of the best criterion for deciding who is an expert.⁶⁸² Although this seems straight forward, the authors broaden the scope of what they consider to be relevant experience. They give reference to two specific examples. The first are sheep herders during the Chernobyl accident, and AIDS activists in Africa.

The authors reference Brian Wynne’s influential work about sheep herders during the Chernobyl nuclear meltdown. Wynne examined Cumberian sheep farmers who had restrictions placed on the sale of their stock by scientists from the UK Ministry of Agriculture Food and Fisheries (MAFF) due to radioactive fallout.⁶⁸³ The Ministry of Agriculture initially stated that there would be no effects from the Chernobyl fault. Six weeks later they announced a complete ban on the sale of sheep of in several areas stating that this ban would only last three weeks. After the three week period, however, a smaller area was banned indefinitely. This was a dire situation for the farmers whose livelihood depended upon their stock. The scientists advised the farmers to wait and that the drop in contamination levels were taking longer than estimated. Yet again, farmers found the advice of scientists to be overly optimistic, and soon felt that the scientists were in a conspiracy against the farmers.⁶⁸⁴

It was later discovered that the scientists had based their estimations on an incorrect model. That model was based upon empirical studies that had been conducted on an entirely different type of soil than the Cumberian region. Moreover, what had compounded the miscalculations of the scientist was that they completely ignored the expertise of the sheep farmers. Wynne gives several examples of how this occurred.

⁶⁸¹Ibid., 67.

⁶⁸²Ibid., 68.

⁶⁸³Brian Wynne, “Misunderstood Misunderstanding: Social Identities and Public Uptake of Science,” *Public Understanding of Science* 1, no. 3 (1992): 282, doi:[10.1088/0963-6625/1/3/004](https://doi.org/10.1088/0963-6625/1/3/004).

⁶⁸⁴Ibid., 286.

A graphic example of the scientists' denial of the specialist knowledge of the farmers was the scientists' decision to perform experiments on the value of the mineral bentonite to chemically adsorb caesium in the soil and vegetation, thus helping reduce recontamination of grazing sheep. The bentonite was spread at different concentrations on the ground in different plots; the sheep from each plot were then tested at intervals, and compared with controls on zero-bentonite land. However in order to do this the sheep were fenced in on contained fell-side plots. The farmers pointed out that the sheep were used to roaming over open tracts of fell land, without even fences between farms, and that if they were fenced in they would waste (lose condition), thus ruining the experiment. Their criticisms were ignored, but were vindicated later when the experiments were quietly abandoned for the reasons that the farmers had identified. The farmers had expressed valid and useful specialist knowledge for the conduct and development of science, but this was ignored. Similar experiences occurred over other aspects of hill-farming and the scientific knowledge relating to the management of the crisis.⁶⁸⁵

Wynne referred to this type of expertise as "lay expertise." Collins and Evans state that this terminology might cause confusion because "the term has often been interpreted as meaning that laypeople possess specialist expertise."⁶⁸⁶ They prefer instead the term "experts without formal qualifications."⁶⁸⁷ As will be discussed below, this is a helpful way at looking at how general individuals can be a part of *ijtihād*.

The second example presented by Collins and Evans are AIDS treatment activists and research that was to begin to take place in Africa in the late 1980s. Their analysis is based on the research conducted by Steven Epstein which was subsequently published in his book "Impure Science: AIDS, Activism, and the Politics of Knowledge." It is an analysis of how ordinary activists were able to improve the outcome of scientific inquiry.

In 1985, double-blind trials were about to begin for drug that looked promising in the fight against aids, AZT. There were many vocal critics of this type of trial by activists who were concerned about the "sacrificial lambs" and "death by placebo."⁶⁸⁸ They began to campaign for different types of trials, ones that would hopefully give results before more people died. Thus, a small group of physicians and patients began to form groups in order to form new

⁶⁸⁵Ibid., 287.

⁶⁸⁶Collins and Evans, *Rethinking Expertise*, 49.

⁶⁸⁷Ibid., 49.

⁶⁸⁸Steven Epstein, *Impure Science: AIDS, Activism and the Politics of Knowledge* (Berkeley: University of California Press, 1998), 214.

forms of knowledge making. A few researchers began to strike back against these activists and physicians, arguing that they did not have the expertise necessary to carry out such research. Robert Gallo the co-discoverer of AIDS, said against one of the activist groups ACT UP “I don’t care if you call it ACT UP, ACT OUT or ACT DOWN, you definitely don’t have a scientific understanding of things”⁶⁸⁹

Eventually, however, the activists came to acquire a level of interactional expertise that even expert critics began to praise them. The same Robert Gallo now commented on one of the activists saying that he was “one of the most impressive persons I’ve ever met in my life, bar none, in any field...I’m not the only one around here who’s said we could use him in the labs.”

Collins and Evans therefore argue that “Any criterion of expertise has to allow groups such as the Cumbrian sheep farmers or the AIDS activists to be included in the category of expert, and that is why the criterion of formal qualification or accreditation is too exclusive. We suggest that a more important criterion than qualifications is *experience*.”⁶⁹⁰ More importantly, their experience with AIDS patients and their understanding of how AIDS patients respond to these clinical trials actually led to improvements in the protocols and standards of these trials. The activists knew that the research subjects would import untested drugs from Mexico and that they would share the placebos and trial drugs amongst themselves. This knowledge was crucial in being able to implement effective clinical trials.

Planning Without Local Expertise

There have been other attempts to categorize this type of unaccredited expertise. The second example is from political science. James Scott chronicles how large state programs failed due to the fact that they ignored this type of unaccredited expertise. Scott labels this as “local knowledge.” He examines the disastrous attempts of state-initiated social engineering, such as those undertaken by Soviet Russia. Although there are various reasons for

⁶⁸⁹Ibid., 116.

⁶⁹⁰Emphasis in original: Collins and Evans, *Rethinking Expertise*, 53.

the failure of these attempts, Scott labels four, he attributes a large part of their failure to the fact that states ignored local knowledge:

Designed or planned social order is necessarily schematic; it always ignores essential features of any real, functioning social order. This truth is best illustrated in a work-to-rule strike, which turns on the fact that any production process depends on a host of informal practices and improvisations that could never be codified. By merely following the rules meticulously, the workforce can virtually halt production. In the same fashion, the simplified rules animating plans for, say, a city, a village, or a collective farm were inadequate as a set of instructions for creating a functioning social order. The formal scheme was parasitic on informal processes that, alone, it could not create or maintain. To the degree that the formal scheme made no allowance for these processes or actually suppressed them, it failed both its intended beneficiaries and ultimately its designers as well.⁶⁹¹

He then develops the concept of *mētis*. He borrows the Greek term through Marcel Detienne and Jean-Pierre Vernant's study of the term. They describe *mētis* to be "a particular type of intelligence, an informed prudence"⁶⁹² Later on they add that "the intelligent ability referred to as *mētis* comes into play on widely varying levels but in all of them the emphasis is always laid on practical effectiveness, on the pursuit of success in particular sphere of activity: it may involve multiple skills useful in life, the mastery of the artisan in his craft...resourcefulness of every kind"⁶⁹³ Scott defines *mētis* as "Broadly understood, metis represents a wide array of practical skills and acquired intelligence in responding to a constantly changing natural and human environment."⁶⁹⁴

To highlight the meaning of *mētis* Scott compares the farming styles of Native Americans to those presented in *The Farmer's Almanac*. When the first settlers arrived in the Americas they did not know how to grow the type of plants available in the New World. They turned to the Native Americans for their local expertise. They were told to plant corn when the oak leaves were the size of a squirrel's ear. Within this folk knowledge, was a hidden

⁶⁹¹James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1999), 6.

⁶⁹²Marcel Detienne and Jean Pierre Vernant, *Cunning Intelligence in Greek Culture and Society*, trans. Janet Lloyd (Chicago: University of Chicago Press, 1991), 11.

⁶⁹³*Ibid.*, 11.

⁶⁹⁴Scott, *Seeing Like a State*, 313.

understanding of the signs of the changing of seasons. In comparison, *The Farmer's Almanac* will state a more specific time, such as the first full moon of May, or even more specific such as suggesting date like 20th of May. This would then require adjustments based on latitude and longitude. A date for the north would be ill suited for the south. Scott argues that despite the Native American's maxim being about local events, it can still be applied to various areas that have oak and squirrels.

Scott is not arguing for the removal of technical knowledge, but arguing that there is a type of knowledge and expertise beyond the technical knowledge that is so valued within modern societies. Many people that would be considered non-experts have a type of *mētis* or local knowledge that is vital part of understanding reality.

It is difficult, however, to differentiate between Scott's use of *mētis* and Heidegger's use of *phronesis*. Although Scott does clarify the use of the term *mētis* with other Greek terms such as *episteme* and *techne*, he does not compare it with *phronesis*. Lisa Ann Raphals, however, argues that there is a slight difference between the two words:

metic intelligence operates with a peculiar twist, the unexpected premise that both reality and language cannot be understood (or manipulated) in straightforward "rational" terms but must be approached by subtlety, indirection, and even cunning. By Contrast, *phronesis* is practical but not inherently oblique, devious, or indirect...it is tempting, but misleading, to reduce metic intelligence to "know-how knowledge"

It is not clear in Scott's writing if his use of the term *mētis* was meant to be as something distinct from *phronesis* or if he used it more generally such that it would overlap. The substitution of words such as "practical knowledge" alludes to this overlap, given that *phronesis* is generally translated similarly.

With the semantic differences aside, Scott, Heidegger, Collins and Evans would all agree that experience leads to expertise. To use Heidegger's terms, being in the world develops a type of practical knowledge that makes one an expert in a field without the need of formal certifications. This practical knowledge contains elements that cannot be gained without experience. No amount of theoretical knowledge and research could have revealed the intricacies that are available to practical knowledge.

This has a tremendous impact for *ijtihād* and the relationship between the *muqallid* and the *mujtahid*. Such that *muqallid* is an expert in their own field. Some are formal experts with credentials, such as doctors and scientists. Others are informal experts. In the next section, I will argue that within Shi'i *fiqh*, there already are concepts of incorporating the knowledge of other experts within the *ijtihād*. These concepts are broadly discussed under the title *hujjiyah al-qawl ahl al-khibrah* (the probative force of the opinions of experts).

What becomes important then is broadening this understanding of expertise, to include not only those who have traditionally been considered as experts with formal qualifications, but also those who have informal expertise.

Two Types of Experience and *Ijtihād*

The argument defended in this chapter is that understanding truth as an end of inquiry requires broadening the community of inquirers. It explored how this line of argument has been made by philosophical pragmatists and epistemic democrats. It showed how the understanding of *ijtihād* as the thorough exertion of the jurist's mental faculty in finding a solution for a case of law,⁶⁹⁵ is quite similar to Misak's reformulation of Peirce's understanding of truth: "a true belief is one that would withstand doubt, were we to inquire as far as we fruitfully could on the matter."⁶⁹⁶ The next chapter will try to expand our understanding of expertise, and argues that this process of inquiry should include laypersons. It will argue for two new types of expertise: interactional and unaccredited expertise.

These two types of experience broaden the scope of who can participate in discussions of Islamic law. It makes room for experts in other fields such as sociologists and journalists. It doesn't mean that they too have to become a *mujtahid*, but that they can gain a level of interactional expertise where they can make value judgments. This might, however, get a lot of push back from experts in the field who wish to make the field autonomous. However, this is a type of expertise required for the running of the Islamic Republic in its current form. Members of Parliament, and the President, are

⁶⁹⁵ See page 241.

⁶⁹⁶ Misak, *Truth, Politics, Morality*, 49.

not required to be *mujtahids*, but an interactional expertise of Islamic law is required of them for them to be able to maneuver in the current social political climate.⁶⁹⁷

Unaccredited expertise is of significance for *ijtihad* as well. We have seen similar cases. The following chapter will go into the ramifications of unaccredited expertise in the process of *ijtihad*. One in example that will be explored in particular is the advent of labor in the early period of the Islamic Revolution of Iran. A few members of parliament had made a draft labor law that was overseen by many of the *marāja'* at the time. This draft was seen as complying completely with traditional Islamic law. When the draft came to be implemented, it was highly contested by labor unions, specifically because the understood that it would give too many rights to the corporations. It was due to the high level of unaccredited expertise that the workers had which enabled them to see how oppressive the law would be. This was the turning point that Ayatollah Khomeini decided to push forward with his notion of Wilayat al-Fagih. He overturned the previous labor law, and put forward a new draft that was more in line with the demands of the workers.

Unaccredited expertise shows the importance for having a public dialogue when it comes to Islamic law. The process of inquiry is only complete if we include the expertise that people gain from their day to day life experiences. The following chapter will show there is already room for inclusion for this type of expertise. It will explore the role that classical jurisprudence has given to the *ahl al-khibrah*, the people of expertise and try to include unaccredited expertise within this group.

Autonomy, Unaccredited Expertise and *Ijtihad*

This chapter will tie in the relationship between autonomy and *ijtihad*. It will pull together the findings of the previous chapter to discuss its impact on

⁶⁹⁷ Chapter 9 Section 9 Article 115 lists the qualifications of the President, where there is a condition that the President must believe in the official religion, Twelver Shi'ism, but there is no mention of *ijtihad*. Similarly, no such qualification is mentioned for members of parliament in Chapter VI Section 1. For the complete constitution, see "Qānūn-i Asāsī Jumhūrī Islāmī Iran", *Markaz-i Pajūhish-Haye Millī Jumhūrī Islāmī*, accessed 11 July 2016, http://rc.majlis.ir/fa/content/iran_constitution.

the process of *ijtihād*. In the previous chapters I argued for several premises. I argued that Shi'i jurisprudence is based on the idea that an apparent ruling, *al-ḥukm al-ẓāhirī*, is a ruling that is reached after an end of inquiry. I will argue that since autonomous agents have expertise in many issues that relate to them, their deliberation is vital in developing the *al-ḥukm al-ẓāhirī*. Inquiry can only end if the experts on that subject have deliberated on the issue. Autonomous agents have unaccredited expertise on many subjects. Autonomous agents must therefore be a part of the deliberations on the subjects of which they are experts.

In the first chapter in this section, it was established that the *al-ḥukm al-wāqīʿī* was different from the *al-ḥukm al-ẓāhirī*. While the *al-ḥukm al-wāqīʿī* was the real ruling that God intended as written in the *lawḥ al-maḥfūz*, it is not a ruling that a *mujtahid* can reach. Instead, a *mujtahid* only reaches the *al-ḥukm al-ẓāhirī* after state of inquiry. Then it was established that inquiry is not a solo affair. Inquiry ends after it has gone through a social process of deliberation among the community of experts. The understanding of experts was broadened to include interactional expertise as well as unaccredited expertise. In this chapter, it will be shown how interactional and unaccredited expertise are crucial in the process of *ijtihād*, and moreover in certain cases they are already fulfilling crucial roles. First, I will discuss how these two types of expertise can theoretically fit within the *ʿuṣūlī* framework, and second I will show a few case studies of these two types of expertise in action.

In this chapter I will make the case for the greater inclusion of interactional and unaccredited expertise. My argument will begin from the starting point that there is already a space for credited expertise within the process of *ijtihād*. The role of experts is debated under the rubric of *ḥujjiyyah ahl al-khibrah* (probative force of experts). Given that it is generally accepted that the opinion of experts have probative force, there should not be any difference between credited and unaccredited expertise. The process of *ijtihād* will reach a better *al-ḥukm al-ẓāhirī* if it includes these unaccredited expertise. I will then give two examples of how this type of unaccredited expertise has been used, and how it has affected Shi'i *fiqh*.

It should also be noted that I am not trying to describe the process of *ijtihād* in its current form. I trying to argue for the greater involvement of the

muqalid in *ijtihād*, because they have knowledge or expertise that can provide an epistemic gain.

The Current Role of Expertise in *Uṣūl al-Fiqh*

The word experts and expertise in our modern context seems to conflate the role experts play in understanding the moral dilemmas presented by modern technology. The genre of medical ethics tangibly represents this problem, as it was slightly touched upon earlier.⁶⁹⁸ Yet, the issue of expertise, as it is found in the traditional literature, is debated mostly in regards to a rather more mundane discussion, the opinions of the lexicographers.⁶⁹⁹ The reason for this is not because lexicographers are of rather great importance, but because the concept of relying on expertise was rather settled, and there was not much to debate. Whether or not lexicographers should be considered as experts, however, was hotly contested, as we shall see.

The reason the debate on expertise was settled is because the concept of expertise is the foundation for the concept of *taqlīd*.⁷⁰⁰ As it will be shown below, certain scholars believe that the relying upon the judgments of experts is rational and it is this rational reasoning that in turn provides support for the concept of *taqlīd*. A debate about the role of experts will tend to return to the subject of *taqlīd*. Thus, it is the debate about the expertise of lexicographers and *mujtahids* that grounds the current practice of relying on medical experts.⁷⁰¹

The Probative Force of *Ahl al-Khibrah*

One of the places where the discussion on *ahl al-khibrah* can be found are on the debates in regards to the probative force of the *ahl al-lughah*, the lexicographers. Qur'an and *ḥadīth* are part of the core sources for *ijtihād* and any attempt to understand these sources requires a good grasp of the

⁶⁹⁸ See 250.

⁶⁹⁹ Anṣārī, *Farā'id al-Uṣūl*, 173-178.

⁷⁰⁰ Anṣārī, *Farā'id al-Uṣūl*, 440.

⁷⁰¹ Mahdi Hassanzādi, "Rābiṭah Kārshināsī va Shahādat dar Fiqh va Ḥuqūq", *Fiqh va Ḥuqūq*, no. 4 (2005): 71-84.

language, and it is common for scholars to refer to dictionaries and lexicons. Thus, very early on, the reliability of the lexicographers came into question.

There is a debate amongst scholars in regards to the opinions of lexicographers. There have been multiple reasons given as to why the opinion of lexicographers has probative force. Some scholars have argued that there is a consensus, *ijma*, amongst earlier scholars that is itself a justification of why the opinions of lexicographers has probative force. However, the concept of consensus itself has been critiqued and it is argued that it does not have probative force.⁷⁰²

Akhūnd al-Khurāsānī, in his authoritative book on *'uṣūl*, *Kifāyah al-Uṣūl*, debates the probative force of lexicographers immediately after he argues for the probative force of the apparent meaning of the text, *hujjiyah al-ḡuhūr*. After one has stated that the text has probative force there must be a means by which to understand the text. Khurāsānī describes roughly five different arguments for the probative force of the opinions of lexicographers and ultimately concludes that their opinions do not have probative force. Nonetheless one of the arguments that he examines is the argument that lexicographers are experts, and experts have probative force. Khurāsānī accepts the first premise but not the second. Experts do have probative force but lexicographers are not experts in language for the means of *ijthād*. He considers lexicographers as experts in recording the usages of the term, but they are not experts in defining the literal (*ḥaqīqī*) and metaphoric (*majāzī*) meanings.⁷⁰³ Thus while Khurāsānī is critical about the opinions of lexicographers, he accepts the probative force of experts as being fundamental.

Ayatollah Kho'i in his *Misbāḥ al-Uṣūl* takes a position similar to Khurāsānī. Kho'i also presents various arguments for the probative force of lexicographers, and similarly ends up rejecting them all.⁷⁰⁴ One of the

⁷⁰² Muḥammad Kaẓīm Khurāsānī, *Kifāyah al-Uṣūl* (Qum: Majma' al-Fikr al-Islāmī, n.d.), 2:55–58; Muḥammad Taqī Shahidipoor, *Al-Ijtihād Wa Al-Taqlīd*, 131, accessed December 27, 2014, http://shahidipoor.ir/index.php?option=com_phocadownload&view=file&id=596:1393-06-27-14-44-45.

⁷⁰³ Khurāsānī, *Kifāyah al-Uṣūl*, 2:55–58.

⁷⁰⁴ Kho'i, *Misbāḥ Al-'Uṣūl*, 152–55.

arguments he does analyse is the argument that lexicographers are experts. In line with Khurāsānī he denies that they are experts in defining the literal meaning *ḥaqīqī* from the metaphoric (*majāzī*). Nonetheless, he does not deny the fact that experts do have probative.

Ayatollah Mohammad Taqī Shahidipoor, a well known student of the late traditionalist *marjaʿ* in Qum Ayatollah Javad Tabrizi (d. 2006) whose classes in *fiqh* and *uṣūl* are gaining popularity,⁷⁰⁵ in his analysis gives an overview of the opinions held by Khurāsānī, Khoʿi, and Muhammad Baqir al-Sadr. His conclusion is similar to Khoi's and Khurāsānī's in that the opinion of lexicographers does not have probative force. Yet, he also analyses the argument that lexicographers are experts. He as well finds no fault with the premise that experts have probative force.

It should be noted although all of the scholars mentioned above debate about the status of lexicographers as experts, but none of them debate about the permissibility of relying on the opinion of experts. This shows the extent to which Shiʿi scholars accept the opinions of experts. The debate about expertise is not about the validity of accepting the statements of experts, but about who should be considered as an expert. Moreover, as it will be discussed below, had Shiʿi jurists doubted the role of the expert, it would have countered their own arguments for *taqlīd*.

Expertise and *Taqlīd*

Debates about the probative force of the *ahl al-khibrah* are also connected to debates about *taqlīd*. One of the classical texts which is still used in the *ḥawzah* curriculum is the *Uṣūl al-Fiqh* by Muḥammad Ridha Muḥafar. Muḥafar differs from the opinions given above in that he does believe that the opinion of lexicographers has probative force. In the section titled “The Probative Force of the Lexicographers” (*Ḥujjīyah Qawl al-Lughawī*), he examines different reasons given for the probative force of lexicographers. The argument that he considers to be the most valid is based on the necessity

⁷⁰⁵ ‘Jināb-I Mustafāb Ustād Muʿaḍam Shaykh Muḥammad Taqī Shahīdī-Pūr’, *Sāyt-I Iṭlāʿ* *Risānī Ayatullāh Al-ʿUẓmā Mīrza Javād Tabrīzī*, 1 September 2010, <http://fa.tabrizi.org/1389/06/10/shahidi/>.

of referring to experts. He writes that rational reasoning rules that an ignorant person should refer to an expert:

This is because the rationality rules that it is obligatory for an ignorant person to refer to a knowledgeable person. Thus, the *shāri`* must rule a similar ruling. The reason being the rational ruling is one of the one of the praiseworthy rulings that has gained consensus amongst the opinions of rational people, and the *shāri`* is one of these rational people. Nay, he is their chief. Moreover, it is based upon this rational ruling that we say it is obligatory for that we say the layperson should refer to the *mujtahid* in the issue of *taqlīd*.⁷⁰⁶

Ayatollah Kho'i also makes the same argument. In his *al-Tangīh fī Sharḥ al-`Urwah al-Wuthqāh* under the section of *taqlīd* he explores the reasons as to why layperson should follow a *mujtahid* and narrows them down to two main reasons, the first of which is that the *mujtahid* is an expert. He argues that all rational people follow experts, it is a *sīrah al-uqalā*, and this *sīrah* has not been negated by the *shāri`*. This dependence on experts is so common that if the layperson were to be made aware of it, he would quickly agree.⁷⁰⁷

In an article written specifically on the probative force of experts, Alī Akbar Bābāī, a student of Ayatullah Wahid Khorasani,⁷⁰⁸ echoes Muḏaffar's position that the probative force of experts is fundamental to the issue of *taqlīd*. Under a section of his article titled "The Importance of this Debate" he writes that this topic is related to the probative force of the *faqīh* and the permissibility of *taqlīd*. The reason being that the *faqīh* is an expert that derives Islamic law from its principal sources, and this is itself a prime example of what it means to be an expert.⁷⁰⁹

The reason that these debates will cycle back to *taqlīd* is because they are both based on the same premise; the idea that an ignorant person should rely on a knowledgeable person. Put differently, that expertise has an

⁷⁰⁶ Muḏaffar, *Uṣūl Al-Fiqh*, 3-4:143.

⁷⁰⁷ Abu al-Qasim Kho'i, *al-Tangīh fī Sharḥ al-`Urwah al-Wuthqā*, vol. 1 (Qum: Luṭfī, n.d.), 84.

⁷⁰⁸ Alī Akbar Bābāī, *Pāygāh-I Andīshvarān Hawzah*, accessed 11 July 2016, <http://aababaie.andishvaran.ir/fa/ScholarMainpage.html>.

⁷⁰⁹ Alī Akbar Bābāī, "Baḥṭh Fī Ḥujjīyah Qawl Ahl Al-Khibrah," *Fiqh Ahl Al-Bayt* 1, no. 14 (2008): 92–93, <http://www.noormags.ir/view/fa/articlepage/572407/أهل-قول-حجیة-فی-حشوب>.
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epistemic gain. Given that the layperson does not have the ability to decipher the correct rulings, and that it is not possible in all cases to do *iḥtiyāt* or precaution, the layperson must therefore rely upon an expert to understand his duties to God.

Robert Gleave summaries the role of *taqlīd* within Shi'i thought as such:

Their reasoning, following the traditional lines of argument, is clear: a person who has not been trained in the skills necessary to interpret the sources cannot be expected to understand those sources with the same level of understanding as a *mujtahid*. The *mujtahid* may be fallible – he may misunderstand the texts – but he at least has the qualification of *ijthad*, and his decisions flow from the application of justified interpretive methods. His decisions are, therefore, more likely to be in line with God's wishes than those of the unqualified individual. If the individual cares about complying with God's law, caution at least dictates that he follow a *mujtahid*.⁷¹⁰

The justification for *taqlīd* is that the *mujtahid* has gone through a legitimate process of inquiry. While there is a socialisation of knowledge which dictates what constitutes good evidence, and what makes a good argument, nonetheless a process of inquiry is still required.

Unaccredited Expertise in Shi'i *Fiqh*

Not only is there room for unaccredited expertise in Islamic law, but we can already find its affect on Islamic law in Iran's contemporary history. Two specific cases will be studied in this section that highlight this issue. These are the debate over Labour law and the debate over family law in post-revolutionary Iran. The debate over labor law has been formative for the establishment of the concept of the Guardian jurist. It was this debate that was the catalyst for Ayatollah Khomeini to present his idea of the Guardian jurist. Both of these cases not only show the involvement of the wider public in forming *fiqh*, but they have been used by academics to highlight the role of social movements in forming tradition. It is here that our analysis will begin with the works of Asef Bayat and how he considers non-movements as having an effect on the formation of truth.

⁷¹⁰Gleave, "Conceptions of Authority in Iraqi Shi'ism Baqir Al-Hakim, Ha'iri and Sistani on Ijtihad, Taqlid and Marja'iyya," 66.

One of Asef Bayat's core endeavours has been in showing how societal movements formulate tradition, especially in regards to the question of the compatibility of Islam and democracy. He argues against those that believe that there is something intrinsic about Islam that makes it antagonistic with democracy. He argues that this places too much emphasis on the theoretical interpretations on Islam, and that it privileges the text over the lived tradition. He insists that we should be focusing on social movements, and how social movements define truth.

This concept, that social movements are instrumental in forming truth and tradition, becomes one of Bayat's core arguments. He argues that the conception of truth goes beyond mere rational deliberation and that social movements can influence our understanding of truth:

A central argument of this book is that sacred injunction are matters of struggle, of competing readings. They are, in other words, matters of history; humans define their truth. The individuals and groups who hold social power can assert and hegemonize their truths. Historical narratives in this book demonstrate how societal forces, notably social movements, play a decisive role in changing and shaping "truth" of holy scriptures.⁷¹¹

Thus the mixture of Islam and democracy is dependant more on social movements than it is on rational deliberation amongst religious intellectuals. He states that "the question of democratic polity is then one of political struggle rather than religious scripture, even though religion is often deployed to legitimize or to resist political domination"⁷¹²

It has been through these social movements, or non-movements as he labels them, that the Iran has been able to traverse from an Islamist to Post-Islamist phase. This Post-Islamist phase is a fusion of Islam and the concept of rights. It is religious while still allowing for a pluralism of voices. Through several of his works, he chronicles how these changes were able to take place through social movements.

Bayat is not the first to recognise the importance of non-epistemic factors in the construction of truth. Foucault put forward his understanding of

⁷¹¹Bayat, Making Islam Democratic, 4.

⁷¹²Ibid. xvii.

power, and Bourdieu put forward his understanding of habitus and capital.⁷¹³ At times Bayat seems to echo Foucault when writes that “the obstacles to democratic governance in Muslim societies have little to do with religion as such; they are more closely tied to material and nonmaterial interests of those who hold power.”⁷¹⁴ Yet, Bayat excludes an analysis of Foucault and Bourdieu, and justifiably so. Analysing how Bayat’s theory fits between Bourdieu and Foucault would in of itself require a separate theoretical work.

Bayat is instead interested in chronicling the social changes that have taken place to make room for post-Islamism. There are a few cases studies that Bayat examines in order to defend his argument. One of these case studies is the question in regards to women’s roles in society. Bayat describes some of the forms of nonmovement that women undertook within Iran and argues ultimately that “[n]ot only did such practices challenge the prevailing assumptions about women’s roles, but they were followed by far-reaching structural legal imperatives.”⁷¹⁵ These “far-reaching structural legal imperatives” are of significance here. Bayat puts forward a good deal of evidence to support his claim about how practice influences theory.

Bayat’s short coming is that he does not engage with intellectual thought. On many topics Bayat’s analysis ends with the change of social conditions. Yet, if a core argument of his is that social movements create truth, it must be demonstrated how these social changes were reflected in intellectual thought and became a part of the truth. Many social changes can appear out of compromise, such as a *modus vivendi*, and not have any impact on internal conceptions of the truth. Even his analysis of the female movement fails to incorporate any changes made to family law, even though Ziba Mir-Hosseini has well documented these changes, which will be shown below. There is no analysis about the internal dynamics of post-Islamist thinkers and how they have reconciled these changes with their core beliefs.

⁷¹³ Michel Foucault, *Archaeology of Knowledge*, trans. Alan Sheridan (London: Routledge, 2002); Pierre Bourdieu, *Pascalian Meditations*, trans. Richard Nice (Cambridge: Polity Press, 2000).

⁷¹⁴ Ibid., 13.

⁷¹⁵ Asef Bayat, *Life as Politics: How Ordinary People Change the Middle East* (Stanford: Stanford University Press, 2010), 17.

More importantly, there is no analysis of the debates that ranged amongst lawyers and clergy in regards to some of these legal changes. The debates around the changes to Iran's labour laws have had a fundamental effect to the sweeping changes that a single scholar is able to make in response to a popular movement. Bayat does not discuss any of these deeper changes in thought, nor does he even mention this incident.

Other academics working in the field, such as Ziba Mir-Hosseini and Asghar Schirazi, do comment on these changes and their analysis will be referenced below. Yet, what Bayat was able to argue, the relationship between social movement and truth, is a fundamental insight, and it is this point that I wish to elaborate below. Documenting the series of changes that has occurred to Islamic law as it has been incorporated into the state helps to bolster Bayat's argument.

State Incorporation of *Fiqh*

I consider the incorporation of Islamic law into the state to be along the same lines of Bayat's analysis. It has been at times the incorporation of Islamic law into the state that has sparked the various social movements which Bayat is analysing. This is primarily because it forces Islamic law to be enacted and it also forces Islamic law to be critiqued in response to its effectiveness.

Currently, traditional *fiqh* is an opt-in basis. Outside of the state, the *mujtahid* has no coercive function. Once an individual decides to be a *muqallid* there is no apparatus to make sure that they are abiding by all the rulings. Thus the *muqallid* can opt-out of the rulings at anytime, although they would be considered as sinning. This differs from state law. The state claims the right to force individuals to abide by its laws. This coercive force raises the importance of state laws in relation to the autonomy of the individual. To highlight the difference, one can simply look at the ability of the state to enforce contracts. The two cases I will discuss below are both contractual obligations. In the case of labor law, the state can interfere on behalf of workers to defend their rights. The same can apply for family law and the custody of children, or the enforcement of any rules that require monetary compensation.

Moreover, the laws passed by the state are generally expected to be effective. That is they are expected to comply with standards of good governance because of the impact that these rulings have on the lives of citizens. This has two effects. First, the state must rule on certain issues, and secondly that ruling would be required to have a positive outcome. Again an example will help clarify these two points. Given the advancement of technology, there is an issue about how the resources of mines are to be allocated.⁷¹⁶ Traditional Islamic law does not state that any individual can own a mine, and that any amount that is excavated belongs to the person that did the excavating. It is clear that if we were to distribute natural resources according to this ruling with modern technology it would be detrimental to the mines and to the economy. There would need to be some sort of coordination among the different corporations as to how to best excavate the mines. A traditional scholar would have the luxury to ignore this dilemma if he or she so wished. There are no corporations that would demand a ruling from them partly because, as stated above, their rulings would not be enforceable. On another note, given the impact that the ruling of the state has on mines and natural resources, those whose lives are impacted are likely to closely examine the general laws and policies put forward by the state. If the rulings are in a way detrimental to their well being there is much motivation to push for change. This is exactly what we see with the two cases below. In the case with Labour Law, given that the Islamic law was now ruling over a form of economic activity that was foreign to its development, rulings were modified. The great impetus for this change came from the very people who these laws were going to impact: the workers themselves.

This incorporation of the Islamic law into the state has also been an impetus for the rethinking of Islamic law. The call for implementing Islamic law in the state had a transformative effect on Islamic law. It required a rethinking of in both the content and process of jurisprudence.

⁷¹⁶ Morteza Motaharri, *Islām va Muqtaḍiyyāt Zamān* (Tehran: Sadra, 1993).

'Return to sharia' has not been a return to the classical *feqh* notion of plural and uncoded laws; the judiciary has retained not only many of the legal concepts and laws of the Pahlavi era, but also the notion of a centralised and unified legal system.⁷¹⁷

The culmination of changes as lead even many traditionalist scholars to call for new approaches to *fiqh* and '*uṣūl*'. Thus we see attempts to give greater importance to the context, the theory of *zamān va makān*, or to incorporate conceptions of the *maqāsid al-sharī'a*.

Traditionalists do in general object to the changes made by the Islamists to Islamic law. They critique the fact that these changes do not correspond to the methods prescribed within '*uṣūl al-fiqh*' and that they tend to be haphazard.⁷¹⁸

Labour Law

The reforms that have been undertaken in Iran's labor laws highlight the necessity of unaccredited expertise to its full extent. In fact, this case has been used by religious thinkers as a prime example of the need for new approaches towards Islamic law.⁷¹⁹ The reason being that Modernity and industrialization has brought about significant changes to the means of production that it justifies rethinking traditional rulings on contracts.

Labour unions formed one of the core backbones of the Islamic revolution.⁷²⁰ These unions believed that the laws implemented by the Shah did not fully protect their rights as workers. They joined in the revolution with the hopes that their working conditions would improve. After the establishment of the Islamic state, an expert team of lawmakers was formed to draft a new labor law. The Ministry of Labour, the conservative Ahmad Tavakoli, headed this team. Tavakoli tried in earnest to keep the new law in conforming to traditional laws of contract and leasing, *ujrat*. In order to achieve this goal, the

⁷¹⁷ Ziba Mir-Hosseini, "Sharia and National Law in Iran," in *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*, ed. Jan Michiel Otto (Leiden: Leiden University Press, 2010), 334.

⁷¹⁸ Discussed on page 19, and also see the correspondence between Ayatollahs Safi Golpaygani and Khomeini as reprinted in Husayn Mihrpūr, "Majma' Taskhīṣ Maṣlaḥat-e Nizām va Jāyigah Qānūn-e Ān", *Tahqiqāt-e Huquqī*, 10 (1992): 7–56.

⁷¹⁹ Abd al-Ridhā 'Alizādeh and Sādiq Mehdī, "Barirsī Tasīr Tahavulāt-i Iqtisādī bar Janbih-hāye Himāyatī Qānūn-i Kar," *Kār Va Jāmi'eh*, no. 154 (1391): 63,.

⁷²⁰ Asef Bayat, *Workers and Revolution in Iran: A Third World Experience of Workers' Control* (London: Zed Books, 1987), 77-100.

team worked closely with prominent scholars and the bill had been checked by Supreme Council of the Economy.⁷²¹

Given that the law used contracts as model, issues dealing with the number of working hours, vacation time, and dismissals where to be settled in between the individual employer and employee in those contracts.⁷²² When the bill was announced to the public, it was met with violent protests. The protests where so severe that Tavakoli had to resign and the bill did not pass the Council of Ministers.⁷²⁴

Plans where then set into place for new drafts of the Labour Law. A process which spanned several years.⁷²⁵ Part of the debate that was going on at the time was in regards to the extent of state paternalism. How far can the state go in controlling people's social interactions?⁷²⁶ The parliament at the time had devised an ingenious way of incorporating the state into traditional Islamic law. They argued that since the state gives public services to corporations, those corporations would have to agree to the laws passed by the state if they wish to continue using those services. Thus parliament passed a law that stated that corporations that have more than five employees must insure their workers.⁷²⁷

Since parliament knew that the Guardian Council would veto any Labour Law that included the heavy involvement of the state, the draft of the Labour Law began with the same clause mentioned above.⁷²⁸ Since corporations were using public services offered by the state, they must agree to the conditions put forward in the Labour Law if the wish to continue using these services. Yet, even with this condition, the Guardian Council rejected the law. They stated that the new law contradicted the laws of Islam. This led to a protracted series of letters from both the parliament and the Guardian

⁷²¹Schirazi, *The Constitution of Iran*, 207.

⁷²²*Ibid.*, 207.

⁷²⁴Misagh Parsa, *Social Origins of the Iranian Revolution* (Rutgers University Press, 1989), 274; Schirazi, *The Constitution of Iran*, 209.

⁷²⁵*Ibid.*

⁷²⁶Husayn Mihrpūr, "Majma` Taskhīṣ Maṣlaḥat-e Niẓām va Jāyīgah Qānūnī-e Ān," *Tahqīqāt-e Huqūqī*, no. 10 (January 4, 1371): 22.

⁷²⁷*Ibid.*, 22.

⁷²⁸*Ibid.*

Council to Ayatollah Khomeini.⁷²⁹ Khomeini sided with the parliament, stating that such conditions were within the bounds of Islamic law. The Guardian Council was still not convinced and refused to allow the law to pass. It was here that Khomeini emphasised his concept of *wilāyat al-faqīh al-muṭlaq* where the jurist would have the same powers of the Prophet and Imam to bring about change to Islamic law. In this vein, the Expediency Council was created, and the Labour Law was passed.⁷³⁰

This new draft of the labor was only feasible due to the direct involvement of workers. Because of their unaccredited expertise as workers they better understood how a law based solely on personal contracts would be detrimental to their well being. The protests of workers against the first draft of the Labour law sparked a series of events that brought about a reevaluation of many aspects of Islamic law, such as the validity of the concept of the concept of *ujrat* in employment, the limited power of secondary contractual conditions (*sharṭ ḍimn al-‘aqd*), the powers of the *Wilayat al-Faqīh*, and also led to the development of the Expediency Council.

This case clearly shows the necessity of incorporating unaccredited expertise in the process of *ijtihād*. The expertise that they had gained as workers in a modern industrial society gave them awareness into the ramifications of the Labour Law. This was an insight that the expert team originally assigned to draft the Labour Law did not have. Incorporating the expertise of these workers clearly leads to an epistemic gain. The ramifications of these changes to Islamic law are still reverberating in Shi'i jurisprudence.

Family Law

There were a lot of modern changes that were brought forth in the Shah's family law. These changes were highly criticised by the scholars at the time. After the revolution these laws were initially revoked, but were later reincorporated into the constitution. This was done in part due to the active protest of women. This section will look at how these changes were brought about and we'll try to look at the reasoning behind these changes.

⁷²⁹ Ibid., 23-25.

⁷³⁰ Ibid., 26-55; Schirazi, *The Constitution of Iran*, 211-213.

There were two sets of reforms that were brought about during the reign of Mohammad Reza Shah that were known as the Family Protection Laws.⁷³¹ The first reforms were enacted in 1967, and this was with 23 articles and one note. The new laws stated that it was mandatory to register your marriage and your divorce. New courts were also established for dealing with a variety of different familial disputes and these courts had judges presiding over them. One of the major changes was the change to divorce. Divorce had to be done with a court certificate and if it was done without a court certificate it was considered an offence and had 6 to 12 months jail time. It was mandatory therefore for all couples to appear at these courts. This is in contrast with the traditional Islamic law that states that men have a unilateral right to divorce. They were able to circumvent this law by adding conditions to the marriage contract. All couples that wanted to marry would have to agree to this condition that the divorce could only be carried out by the courts. The second reform came about in 1975, with 19 notes.⁷³² These extended the reforms from 1967. They increased the minimum age of marriage. The minimum age of marriage for females rose from 15 to 18, and for males rose from 18 to 20. There were also changes to child custody by granting the courts more powers in divorce and deciding who gets custody of the child. Ayatollah Khomeini was a vocal critic of these laws. He states that any divorce conducted by these courts not be valid and that the previous contracts would still be in place.

the 'Family law' (FPL), which has as its purpose the destruction of the Muslim family unit, is contrary to the ordinances of Islam. Those who have imposed [this law] and those who have voted [for it] are criminals from the stand-point of both the Shari'a and the law. The divorce of women divorced by court order is invalid; they are still married women, and if they marry again, they become adultresses. Likewise anyone who knowingly marries a woman so divorced becomes an adulterer, deserving the penalty laid down by the Shari'a. The issue of such unions will be illegitimate, unable to inherit, and subject to all other regulations concerning illegitimate offspring.⁷³³

⁷³¹ Mir-Hosseini, "Sharia and National Law in Iran," 352.

⁷³² Ibid.

⁷³³ Ruhollah Khomeini, *Risālah Tawzīh Al-Masā'il* (Qum: Ruh, 1999), 457. Translation from, Ruhollah Khomeini, *Islam and Revolution*, trans. Hamid Algar, Kegan Paul Library of Central Asia (London: Kegan Paul, 2002), 441.

After the Islamic Revolution the FPL rulings were initially overturned in practice, even though they were never officially repealed. The FPL courts were replaced by the Special Civil Courts. In the long term, however, many of these same ruling found there way back into the courts. Mir-Hosseini argues that, ultimately, there has been more continuity than break after the revolution, and that there were no deep theoretical arguments about the law, but that instead the new Islamic Republic was “able to achieve their objectives through changing its practice.”⁷³⁴

Some of these changes can be seen resonating within a few traditional works in *fiqh*, although they still have not made a large impact in traditionalist discussions on divorce. Ayatollah Muhaqiq-Damad, in his *Barrisī Fiqhī Huqūq-e Khānivādeh*, writes that in light of these legal changes, gaining a court approval can be seen as an extra condition on the requirements of divorce. This effectively limits unilateral divorce within Shi’i law.⁷³⁵

Bayat in his analysis reiterates many of the points brought up by Mir-Hosseini. They both emphasis the *power of presence* that women had after the revolution, and how this was aided by the intellectual movements happening at the same time. Bayat, however, does not go into detail regarding the direct impact that these non-movements had in terms of changes to family law. Instead, he paints a rather broad picture of all the changes that occurred because of these non-movements which also include changes to family law.

There have been multiple causes at play as to why the laws on divorce after the revolution were eventually changed. One of these reasons for the change has been the non-credited expertise of women that was gained through the very experience of going through a divorce. Ziba Mir-Hosseini writes how the changes in law where in part due to the protest of women in the newly established courts immediately after the revolution. She writes that when she visited these courts in 1985 “women were insistent on voicing their discontent; some used every occasion to remind the Islamic judge of the

⁷³⁴Ziba Mir-Hosseini, “Women and Politics in Post-Khomeini Iran: Divorce, Veiling and the Emerging Feminist Voices,” in *Women and Politics in the Third World*, ed. Haleh Afshar (London: Routledge, 1996), 148.

⁷³⁵Mustafa Muhaqiq-Damad, *Barrisī Fiqhī Huqūq-e Khānivādeh*, vol. 1 (Tehran: Markaz Nashr ‘Ulūm-e Islāmī, 1384), 380.

injustice of a system which could afford them no protection.”⁷³⁶ She quotes an example of one women’s reaction during her divorce court:

Is this how women are honoured in the Islamic Republic? Is this how Islam rewards motherhood? Is this the justice of ‘Ali that he can throw me out just because he has found a younger wife? Where do I go now? Who is going to take care of me? What will become of my children?”⁷³⁷

Mir-Hosseini adds that judges would sympathise with these protests but would simply reply that it was the law and there was nothing that they could do. The experience of women in these courts was fed back to the women working in parliament. These women in part led a push towards more reformed laws which culminated in the Amendments to Divorce Regulations in 1992. These new laws brought back many of the same rulings of the older FPL, such as limiting a man’s right to divorce, and the need of arbitration.⁷³⁸

Asghar Schirazi in his analysis of the Iranian Constitution also states that the protests of women led to legal changes. He writes that the pressure of women was great, that it even led Ayatollah Khomeini to modify his rulings.⁷³⁹ He then goes on to echo Mir Hosseini’s position and states that these movements were able to bring about legal reforms.⁷⁴⁰

Louise Halper as well emphasises the use of knowledge gained by unaccredited expertise in rethinking Iranian family. She compares these changes to Legal Realism. Although Legal Realism covers a broad array of stances towards jurisprudence, Halper has found similarities between the events surrounding the family law and Legal Realism in the emphasis that jurisprudence should be informed by social knowledge. By social knowledge she means the inclusion of laypersons as discussed above. She argues that this is precisely what has been happening with this case of family law:

Here I want to focus on just one part of what I have said about Legal Realism, namely, that the making of law can/should be informed by social knowledge. Some of the Realists were of the view that social knowledge was also scientific and thus determinate; that there was indeed an answer to social problems, both definite and value-free. Lawmaking is, in this

⁷³⁶Mir-Hosseini, “Women and Politics in Post-Khomeini Iran,” 154.

⁷³⁷Ibid., 154.

⁷³⁸Ibid., 147.

⁷³⁹Schirazi, *The Constitution of Iran*, 217.

⁷⁴⁰Ibid., 217.

view, an abstracted version of administration. It is in this sense that I think one might speak of legal realism in post-revolutionary Iran: that is, there is a visible attempt to make law that is responsive to social needs. Because of the commitment to Shari'a, this law is not being "made" in the legislative sense, yet its interpretation is taking place within a legislative forum and the consequence of this legislative reinterpretation is a substantial shift in its application.⁷⁴¹

Bayat, Mir-Hosseini, and Halper all agree that the lived experience of women that went through the divorce courts, and the feedback that they gave, brought about a change to Iranian family law. It is a change that even traditionally minded scholars such as Mohaqiq-Damad have acknowledged. It could be argued, therefore, that by incorporating the experiences of these women has led to an epistemic gain for legal scholars. This epistemic gain has contributed to the process of *ijtihād* which has moved the *ḥukm al-ẓahirī* even further along. The reverse can also be true. That by ignoring the lived experiences of these women we have not fulfilled the process of inquiry to its fullest. That is to say that the process of *ijtihād* would be incomplete. This could in turn make any ruling that does not take into consideration these lived experiences as questionable.

Modarrasi and the Incorporation of Unaccredited Expertise

The argument that the experience of laypersons should be included in the process of *ijtihād* has lately been picked up by at least one the contemporary scholars. Ayatollah Mohammad Taqi al-Modarresi, in his reconception of *fiqh* argues that the involvement of individuals and civil society is important for the establishment of *fiqh*. He argues that individuals have a level of expertise that must be incorporated in the process of *ijtihād*. Moddarisi comes from the traditional *ḥawzah* background and currently claims himself to be a *marja' al-taqlīd* with many followers across the world but especially within the Gulf states.

⁷⁴¹ Louise Halper et al., eds., "'Legal Realism' in Tehran: Gender Law and the Transformative State," in *The Law Applied: Contextualizing the Islamic Shari'a : A Volume in Honor of Frank E. Vogel* (London: I.B. Tauris, 2008), 51.

Modarresi is arguing for the inclusion of the broader public in the process of *ijtihād* through the use of *shūrās*, councils. He notes that these *shūrās* represent an accumulated experience, *al-khibra al-mutrākimah*.⁷⁴² One of the reasons that Modarresi takes this stance is based on epistemological grounds. He argues that by including a variety of people in these *shūrās* has an epistemic gain, and that it is possible reach better conclusions to difficult questions.⁷⁴³ Beloushi in his analysis of Modarresi's opinion on *shūrā*, describes how it is based on the principle of *ahl al-khibrah* as discussed above.⁷⁴⁴ He similarly cites the discussion of lexicographers.

The second reason that Modarresi defends the use of *shūrās* is because of legitimacy. He argues that once a ruling has been brought about through the use of the council and democratic participation of the people, that ruling will be seen as more legitimate. This closely echoes the arguments put in the first half of this thesis about internalization.⁷⁴⁵

Modarresi places the concept of *shūrā* as one of the core processes in which rulings are derived. As a close observer of the events that have unfolded after the establishment of the Islamic Republic, he has likely been influenced by the events which described above. Arguably, there is a better appreciation for the complexities of law, and the need to make use of as many different types of expertise as possible.

Theory But Not Practice

There is ample evidence that unaccredited expertise has an epistemic gain, and given this epistemic gain, it should be incorporated into the process of *ijtihād*. The role of unaccredited expertise within the sciences is gaining importance, and the case studies in Iranian law show how unaccredited expertise as brought about a more nuanced understanding of Islamic law.

It is through this unaccredited expertise that the individual can express their autonomy. The accumulation of what seem to be ordinary life

⁷⁴²Muhammad Taqī al-Mudarrisī, *Al-Tashrīʿ Al-Islāmī: Manāhijuhu Wa-Maqāsiduhu*, vol. 2 (Tehran: Iran: Dār Intishārāt Mudarrisī, 2002), 253; Beloushi, *The Theory of Maqāsid*, 202 -205.

⁷⁴³*Ibid.*, 2:255.

⁷⁴⁴Beloushi, *The Theory of Maqāsid*, 202 -205.

⁷⁴⁵*Ibid.*

experiences lead to an understanding of society and circumstances that exceeds even those who are deemed to be experts. By recognizing that the inclusion of autonomous individuals in the process of inquiry will help us to reach the truth, will hopefully bar us from using autonomy as merely a means of control. The concept of unaccredited expertise helps to give credibility to the autonomy of individuals.

This does not mean, however, that current methods of *ijtihād* do incorporate unaccredited expertise. If anything, the amount of protests that were required to challenge a ruling is evidence that current methods of *ijtihād* do not take unaccredited expertise into consideration. The topic of discussion thus far has been about the epistemic gain of unaccredited expertise and there has been no discussion about the best approach to incorporating this expertise into the process of *ijtihād*.

Modarresi has presented a very general framework for incorporating unaccredited expertise into *ijtihād*, with the use of *shūrās*, but he is practically alone in this endeavour. This endeavour would require further work, similar to the work being done in the sciences by Philip Kitcher, Helen Longino, and Harry Collins.

Conclusion

Autonomy is one of the main social changes that has arisen out of modernity. The radical social changes brought about by modernity and urbanisation have meant that people have the capacity to develop their own identities, values, and courses of action. Simultaneously, there are values and moral beliefs held by religion that require conformity from their adherents. These moral values are seen to be the production of elites in distant lands that derive rulings from books written in the distant past.

I have tried to show how it is possible to bring these two concepts together through the understanding of discursive selves. This study set out to argue that autonomy is important for Shi'i thought for both the internalisation of tradition and the formation of tradition. This argument required the clarification of two points. The first clarification was there was an overlapping consensus between Shi'i thought and the requirements of autonomy, namely

freewill and rationality. The second was a clarification of the definition of autonomy and the necessity of understanding autonomy as social-historically embedded.

In regards to the first issue, I tried to show autonomy and Shi'i philosophical anthropology as traditionally understood overlap. Thus, I compared the three distinct attributes of autonomy – freedom, rationality, and a natural disposition towards good –with the concepts of free-will, the intelligibility of good and evil, and *fiṭra* found within Shi'i thought.

Autonomy requires individuals to have the internal freedom necessary to define their own projects or values, which captures the general sense of “self-rule.” Shi'i thought has incorporated this understanding of “self-rule” under the concept of *ikhtiyār* or free will. The Shi'i position on free will developed from early debates between various theological schools around the issue of free will and predestination, with the Shi'a siding with the proponents of free will. It has since become part of the standard conception of Shi'i philosophical anthropology.

Autonomy also requires the ability to rationally distinguish between morally right and wrong actions. This is a notion that was debated early on in Shi'ism under the concept of the intelligibility of good and evil (*al-ḥusn wa al-qubḥ al-'aqliyyan*). Early Islamic theologians argued whether good and evil could be understood through rational deliberation, with Shi'a theologians arguing in the affirmative. This concept has become central not only to Shi'i philosophical anthropology but also grounds the argument for the use of rationality within Uṣūlī legal theory. Moreover, autonomy also includes the notion that individuals are naturally inclined toward the good. Not only are they free and rationally capable to make moral choices, but are also are inclined to do so. This overlaps with the notion of *fiṭrā*, or a good innate nature.

Yet, while there are concepts within Shi'i thought that support autonomy, the concept of *taqlīd* as defined within the Uṣūlī tradition seems to negate autonomy. I have tried to argue that this conflict is not as great as first imagined. This was done in two ways. The first consisted in defining the scope of *taqlīd* and stating that *taqlīd* is only possible for issues relating religious practice, and does not cover the fundamental beliefs of the religion.

Taqīd is not a viable approach for believing in the *uṣul al-dīn*. Moreover, I argue that *taqīd* is a type of epistemic dependence; one is dependent on another's opinion about the moral status of certain actions. Being dependent on others does not deny one's autonomy. This is a point I reiterate through the use of empirical studies conducted by the proponents of SDT.

I then try to provide the intellectual background for my arguments for the discursive self by examining the works of Mohammad Mojtahed Shabestari. I show that Shabestari has an individualistic understanding of autonomy and that his understanding of autonomy contracts the very philosophical hermeneutical tradition that he is borrowing from. I show that Gadamer, the most influential philosopher working within this said tradition, puts forward an understanding of the self that is situated in a tradition. Gadamer revives the importance of tradition and authority and states their importance for moral philosophy. Simultaneously, he does not deny the very autonomy of the individual. This begins my analysis as to how one can be situated within a tradition, dependent on the opinion of others, and still be considered autonomous.

I further delve into this understanding of the discursive self by examining the contemporary works of various philosophers that have discussed the issue of philosophical anthropology. This was done to show how a consensus is forming within Western philosophical anthropology that the self is in some sense situated within a tradition or culture. I showed how even liberal philosophers, the strand of philosophy most associated with individualistic understandings of autonomy, had move towards this new understanding of the self.

This then sets the ground to examine how a discursive understanding of the can be brought into reflective equilibrium within Shi'i thought. The first half of my argument was that autonomy was important for the internalisation of religion. Given that Shi'i thought already incorporated the concepts of free will and rationality, it was important to tackle concepts that would justify interference in one's autonomy. This led to a discussion of the concept of forbidding wrong. The concept of forbidding wrong states that it is an obligation to try and deter individuals from wrong actions and beliefs and promote good actions and beliefs.

I argued that the concept of forbidding wrong and autonomy were not necessarily in conflict. One of the conditions of forbidding evil is the condition of efficacy. This condition of efficacy was established quite early on in Shi'i history and continues to be a necessary condition. The condition of efficacy requires one to be sure that one's action will be probably effective in forbidding a wrong or promoting a good. Moreover, if one's attempt at forbidding wrong leads instead to promoting wrong, then one is not permitted to continue with the said attempt. Beheshti is presented as an Islamist Shi'i thinker that valued the positive role of autonomy in internalising faith and tradition.

There is empirical evidence that denying autonomy and controlling environments will generally fail this condition. The evidence for this argument was given through the studies in psychology conducted under the rubric of Self Determination Theory. Controlling environments, those that denied autonomy, hampered the internalisation of beliefs and practices. In reverse, there is also empirical evidence that the most effective means of motivation, and the internalisation of beliefs and values, is through autonomy supportive contexts.

Thus, the most effective means of meeting the condition of efficacy required for forbidding wrong is by supporting an individual's autonomy. Attempts that deny an individual's autonomy are not effective and therefore do not meet the criteria of efficacy. Moreover, SDT makes a clear delineation between autonomy and independence. They argue that one can be dependent on another and still be autonomous. This therefore negates the arguments that *taqlīd*, as a type of epistemic dependence, would necessarily conflict with one's autonomy.

The second half of my argument deals with the fact that autonomy is more than just the internalisation of tradition, but also about the formation of tradition. Individuals through their own life experiences reach conclusions that can be at odds with authority. I argue that these experiences lead to an unaccredited expertise, and that incorporating this type of expertise in the process of *ijtihād* leads to an epistemic gain. Thus the experiences and opinions of autonomous individuals should not be seen as extrinsic to tradition but a part of the discursive tradition.

My argument begins by developing upon the concept of discursive tradition as put forward by Talal Asad. By stating that tradition is discursive means that tradition is developed through a broad debate and deliberation. A part of this discursiveness is the embodiment of contestation and conflict. This understanding of tradition as discursive creates a space for the participation of the layperson.

I then argue for a more formal appreciation of the positive contribution that the layperson can make in terms in the process of *ijtihād*. Firstly, I argue that *ijtihād* does not imply that jurists necessarily reach the truth in their understanding of Islamic law. *Ijtihād* is simply the conclusion that a trained jurist reaches after finishing a period of inquiry. This is evident in the differentiation made between the *ḥukm al-ẓāhiri* and the *ḥukm al-wāqīʿ* in Uṣūlī thought. This understanding of *ijtihād* also matches the understanding of truth put forward by the Pragmatists, who also argue that truth is a conclusion reached at the end of an inquiry.

Next, I argue that Shiʿi legal theory has always taken into consideration the role of experts within the process of *ijtihād*. This is evident in the position the appeal to the *ahl al-khibra*, the people of expertise. The reliance upon expertise is such an integral part of Shiʿi legal theory that it underpins the necessity of *taqlīd* itself. Thus, if one is said to have truly reached the end of inquiry, meaning one has truly exercised one's *ijtihād*, then one would have to include the opinions of experts.

Finally, I argue that laypersons also have gained a type of expertise, what I come to label as unaccredited expertise. Laypersons develop this type of expertise, not through formal training in accredited institutions, but through their daily life experiences. This type of expertise goes beyond the formal expertise provided by institutions.

Thus, if *ijtihād* is a ruling that a jurist reaches after the end of an inquiry, and the reliance on experts is necessary in this inquiry, and laypersons have a type of expertise, then *ijtihād* is said to have truly taken place if the opinions of the relevant laypersons have been taken into consideration. If a jurist reaches a conclusion without incorporating the relevant laypersons, it means that a type of expertise has not been consulted, and the process of *ijtihād* has not been exhausted to its full extent.

The ultimate impact of this dissertation is that Shi'i faith has much to gain by paying greater attention to autonomy. In 1954, William Golding published the novel *Lord of the Flies* about a group of young boys whose airplane crashes into an uninhabited Island and who then try to govern themselves, leading to horrible results. It is a tale of how uncontrolled freedom releases the savagery within us. This I think is the fate that many assume will come of being autonomy supportive.

Far from fears of some sort of *Lord of the Flies* scenario in which chaos would reign supreme, providing support for autonomy can help individuals internalise religion and provides a motivation to perform actions that religion would require from them. It is important that one does equate autonomy with independence and freedom from structure. Moreover, the feedback from individuals lived experiences can help to decipher what is morally right and wrong. Suppressing autonomy would only provide the opposite. It would require a controlling context that could seriously demotivate religious action and stop the process of internalisation. It would also deny scholars access to crucial type of expertise and lead to decisions that could potentially harm followers of the faith. There is much to be gained from autonomy, and much to be lost by its denial.

My research into autonomy, however, has led me to reconsider the central role of autonomy within philosophical and religious thought. It seems that discursiveness is a more central theme than autonomy itself. The research can in short be said to defend Brandom's claim that we are at heart "makers and takers of reasons..."⁷⁴⁶ The anthropology of Islam has so far been focused on the discursive aspect of tradition. Yet, tradition is only discursive because we ourselves are discursive. It is through discourse with others that we come to develop our identities and shape our beliefs.

We begin our inquiry from the starting point from which we find ourselves, equipped with the tools of rationality that we have learned through the tradition we are embedded, and through which we evaluate and reevaluate new and old beliefs. The formation of our own identities are as discursive as the tradition which we internalise. For surely the reason tradition is discursive

⁷⁴⁶Brandom, *Making It Explicit*, 6.

is because we, as participants, come to deny, accept, or modify various aspects of the said tradition.

Authority is therefore understood within this discursive practice. The ruling of a *marjā`* is not authoritative because of the status of the *marjā`*. It is authoritative because others have come to believe that the ruling given is the best possible conclusion after a state of inquiry. Even here, the ruling of a fatwa can be seen as the beginning, and not the end, of discourse. For after a *marjā`*'s ruling is given, the discussion about the issue truly begins. It is after a period of discussion and discourse that ruling becomes internalised, rejected, or modified. Ayatollah Khomeini's ruling on labor law, and the subsequent discourse that followed, is an explicit example of this.

If discourse is more fundamental than autonomy to humanity, then it would require that we re-examine our social institutions. If discourse is fundamental to both our identities and to the discovery of truth, then social institutions should be developed to safeguard, and improve, this discursive practice. I shall return to this point below.

Limits of the Research

The major limits of this research have been in regards to the ramifications of autonomy. While this study has dealt with the topic of internalisation and belief, it has not dealt with the topic of rejecting belief. The research on SDT where conducted in situations in which either there was no effective means of rejection, such as elementary school students, or that there were no penalties for exit, such as businesses. The situation would be more troublesome for Shi'i thought given the traditionally harsh punishments for apostasy, *irtidād*.

There are different types of apostasy with different types of punishment. Apostasy is categorised into two different types, *fiṭrī* and *millī*. A *fiṭrī* apostate as an individual that was born into a Muslim family but converted out of the religion. A *millī* apostate is an individual that was not born into a Muslim family, converted to Islam, but then converted back out. The penalty for male *fiṭrī* apostates is death without the possibility of repentance, and the punishment for male *millī* apostates is imprisonment, but they are given the

opportunity to repent. Females are not executed, but are imprisoned in both cases.⁷⁴⁷

The punishments in general do pose a challenge for autonomy. Although this challenge is arguably more in paper than in practice, and studies in regards to the application of these laws highlight the difficulties faced in their enforcement.⁷⁴⁸ Yet, any type of analysis on the topic would require an intellectual history of the topic as well as its current practice in Muslim majority countries. The concept of apostasy is also closely tied to the political structures of the Muslim majority country. Apostasy laws are stipulated in governmental constitutions and carried out by official courts.⁷⁴⁹ An analysis of the apostasy would thus also require an understanding of the political climate and the political structures that allow for the punishments of apostasy to be carried out.

The reason that apostasy was not discussed in this study is precisely because of the depth of intellectual history and analysis it involves. However, this current study does highlight the negative ramifications that apostasy laws can have for religious faith. Most rational arguments, as opposed to textual arguments, in defence of apostasy laws state that they laws are necessary in order to safe guard the faiths of others. The current study provides evidence that counters this argument by showing that controlling context can in fact hinder internalisation. An argument could be made that the benefits of autonomy out way the negative impact of apostasy laws. This, however, requires its own research.

The topic of apostasy does lead to another limitation of this research, in the sense that apostasy laws are generally carried out by the state. The question therefore arises about the relationship between the concept of autonomy and the state. This is not just in a negative sense, such as understanding that the state can impede autonomy, but in a positive sense as

⁷⁴⁷ Ja'far b. Hasan al-Muḥaqqiq al-Ḥillī, *Sharā'i' Al-Islām Fī Masā'il Al-Ḥalāl Wa Al-Ḥarām*, ed. 'Abd al-Zahrā' Husaynī al-Kaḥṭīb, vol. 8 (Najaf: Dhawī al-Qurbā, 2010) 105-112; Muḥammad-Riḍa Gulpāyagānī and 'Alī Karīmī Jahrumī, *Al-Dur Al-Manḍūd Fī 'Aḥkām Al-Hudūd*, vol. 3, 3 vols (Qum: Dar al-Qur'ān al-Karīm, 1996), 321-426.

⁷⁴⁸ Manṣūr Amīrzādeh Jīrkulī, "Baririsī Huquqī Mas'alah Irtidād dar Īrān", *Fiqh va Tarikh Tamadun dar Islām*, 3 (2005): 18–29; Sa'īd Durūdī, "Irtidād dar Nizām Huquqī-i Īrān", *Bāztāb-i Andīshe* 11, no. 2 (2001): 65–67.

⁷⁴⁹ Ibid.

well, one in which state structures can enhance autonomy. One of the issues covered under the discussion of SDT is that the benefits of autonomy are best realised with the use of some type of structure. Yet, this research does not go into the types of structures that could best make use of autonomy. This would require a discussion of the types of formats that would help to internalise religion, and ways in which information could be exchanged so that it could help in the formation of tradition. This would also entail the establishment of political institutions that could help to facilitate these goals. Each of categories by themselves would require a separate analysis.

The issue of political institutions, however, does seem to have an influential factor on both the internalisation and formation of tradition. It is hard to imagine how smaller institutions can help facilitate these goals if they are working in an environment that undermines them. On the other hand, one wonders how these political institutions can be established if the people themselves have not established the norms that required by these political institutions.

Further Research

There are two possible paths for the future of this research. The first has to with the establishment of institutions that allow for autonomy supportive contexts, and the second is research into the issue of authenticity. I briefly touched on this notion autonomy supportive institutions above. The full use of autonomy supportive contexts can only be seen in an environment that allows it flourish. This would require not just the use of autonomy supportive contexts in smaller settings such as the classroom or mosques and youth groups, but the larger national context as well. This would include the arrangement of political and social institutions so that it could bring about the most constructive use of autonomy.

What I have in mind is something similar to Habermas' project in which he begins by describing his discursive communication theory and then tries to build political institutions around that theory.⁷⁵⁰ This would be a different

⁷⁵⁰ Habermas' theory of discursive communication was discussed on page 145.

undertaking within Shi'i thought because there are different social and religious considerations. There are different values that must be brought into reflective equilibrium. This would most likely require a decision to be made early on about whether one should try and develop a political and thin conception of autonomy that can be used to develop and overlapping consensus, or as a comprehensive doctrine such that it would require a substantial organisation of different concepts within the web of thought. That is to say would these political institutions be rested on deeply thought-out concepts that would require citizens to, in a sense, invest in this overarching paradigm, or rather should they be developed on thinner concepts that a variety of different people can come to agree upon. I am clearly uses Rawls' distinction between political and comprehensive doctrines as he lays it out in his book *Political Liberalism*.

I am partial to the development of political institutions based on political concepts mostly because it seems like a more feasible project. My experience in Iran and discussing the thought of many reformists with the general public, is that it is too much of commitment to for individuals to incorporate a comprehensive doctrine when they have more practical needs at hand. The instrumental use of autonomy that I have put forward in this study can help in developing political concepts necessary for these political institutions. My arguments for the importance of autonomy and autonomy supportive contexts ultimately focused on the benefits that autonomy can have for Shi'i thought, and it was done in way that extended already grounded principles within Shi'i thought. It would be difficult to present autonomy as a completely political concept, as the examples I used early on in regards to the concept of rationality amongst the adherents of the *maktab-e tafkīk*. Nonetheless, it is possible to make concepts thinner than others, and it would be these thinner concepts that could gain more of a consensus. In a broad sense, I would agree with Rawls' notion of the necessity of thin political concepts, but simply limit how thin they could possible get without losing substance.

The second possible type of research is about the notion of authenticity. By that I mean the current trend, and ability, of individuals to develop a conception of religion that suits them. I am not trying to imply that there is a strive towards a Salafi type of personal *ijtihād* but that there is a lot

of reflection that goes one before an individual truly internalises a ruling or belief. This was discussed under SDT's understanding of the organismic understanding of the self; that it takes beliefs and values are internalised by making space for them amongst other beliefs and values. Yet, what ultimately ends up being internalised differs amongst individuals. It is this process that I label as authenticity. Beyond legal rulings, people's conceptions of God, the Imams, faith and variously other theological concepts differ, and are impart a reflection of life experiences and a result of this active internalisation. It would be wrong to assume that everyone will internalise beliefs and actions the same way, but rather that this process of internalisation will lead to variety of religious understandings that will ultimately overlap on many of the important topics.

Charles Taylor discusses this point directly when he labels the current individuation of religious practices as "the age of authenticity."⁷⁵¹ Jocelyne Cesari reaches a similar conclusion in her study of Muslims in the West, as does Fariba Adelkhah in her study of religious practices in Iran.⁷⁵² My own personal experience with Muslim practice both in Iran, and the West highlights this trend, as will be explained below.

This is not to say that each person develops an understanding of religion that is vastly different from others, but that there is more variety in religious understanding that is emerging from the bottom up. In my own interviews with adherents of Shi'ism I often come across the deeply personal justifications that each individual has for why they are religious and how they conceive religion. I have been a part of online social groups where intricate details of basic Islamic laws are discussed to a good degree of sophistication. As an example, I have been part of an online community where a mother that was breastfeeding her child asked about the limits of fasting if fasting where to harm her ability to give milk to the child. Although everyone in that community where religious, and most of them did do *taqlid*, the debate quickly turned

⁷⁵¹ Charles Taylor, *A Secular Age* (Cambridge, MA: Belknap Press of Harvard University Press, 2007).

⁷⁵² Jocelyne Cesari, *When Islam and Democracy Meet: Muslims in Europe and in the United States* (New York: Palgrave Macmillan, 2004); Adelkhah, Fariba. *Being Modern in Iran*.

technical when legal maxims such as *lā ḍarar* (no harm) and *tayasur* (ease) were brought up. One of the members of this community later told me that the scholars make Islamic law seem so difficult but that ultimately it is not rocket science and that even they could derive Islamic law. This response is in part due to lack of communication with the offices of many of the *marājaʿ*. A personal communication with the office is generally quite short as the offices are overrun with inquiries. This leaves many feeling that either the office did not understand their situation or that their answer prompted even more questions. An answer from the office will generally go through a communal critique, as the one cited above, where individuals try to tease out the meaning and implication of the office's response.

Yet, beyond content, the justifications will differ amongst individuals as well. I have interviewed various believers who state that *imān* is simply a matter of faith and not rational belief. They are not a part of the *maktab-e tafkīk* but neither do they ascribe to the *uṣūlī* notion that faith must be rationally grounded. They justify belief in completely personal grounds, and for reasons that others would consider unfounded. Yet, if one were to try and deny them this reasoning it might lead them to reject faith rather than grounding their arguments in what from a certain perspective be considered more epistemically sound arguments.

This notion of authenticity in justification might present a problem for the model of autonomy as motivation presented in this study. The reason is that the individual is motivated to pursue religion and has internalised religious belief and actions but for, what some might say, the wrong reasons. Given that the current *uṣūlī* approach to theology requires that religious belief be based on certainty, one wonders what the view of such beliefs would be. The question in general is to what degree is room to be made for the notion of authenticity.

Overall, understanding the concept of the discursive self and how it fits in with Shi'i tradition helps provide a framework for which various different aspects of moral and political philosophy can develop. It makes it possible to understand issues within the family in terms of childhood development, especially in regards to moral and spiritual development. It also allows for the

development of political philosophy, particularly in regards to how secular political institutions can fit with religious institutions.

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